

CA2ALZ 1

69021

v.9

CA2 ALZ 1 1969021

Transcript of the Evidence and Proceedings At a Hearing Before the Commission, c.1



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ROYAL COMMISSION

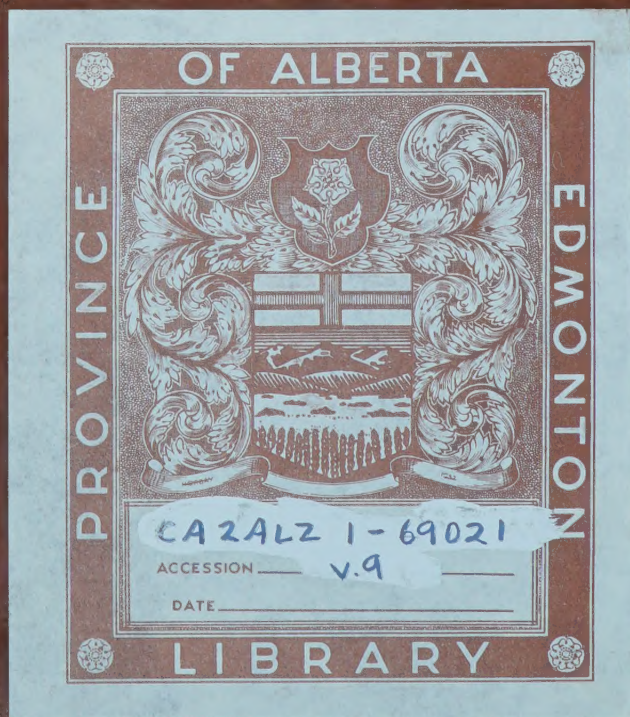
RE: R.J. PHILIPZYK

EXHIBITS

CA2ALZ 1

69021

v.9



Royal Commission re: R.J. Philipzyk and
Inquiry into the Submission of the Ombusman to
the Executive Council, dated October 10, 1969.

June 22 - July 2, 1970

LIST OF EXHIBITS

1. Commission
2. Affidavit of publication of notice
3. File of copies of correspondence
4. Certificate of Incorporation EREB Co-op L.B. Ltd.
5. Copy cert. of Supplemental By-Laws of Co-op
6. Standard By-Laws - Co-op Associations Act 1946
7. Amendment of Memo of EREBd Co-op L.B. Ltd
8. Statistical Report of Sales
9. Amendments to Supplemental By-Laws - Co-op
10. Application of formation of Co-op & Rules & Regulations
11. Application & By-Laws Edmonton Real Estate Board
12. Registered Copy Supplemental By-Laws EREB Co-op
13. Loose Leaf book of By-Laws and Code of Ethics
14. Calgary Board Constitution
15. Memo of Olthius & M. Hansen re: Philipzyk
16. Kellough Realty Ltd. - Control Sheet
17. Statement of earnings & payments to Philipzyk
18. Statement earnings & pay to Philipzyk Xerox Copy
19. Letter Kellough to Haugen 8 June 65 with above statement.

20. Letter Spitz to Kellough 16 Nov 64
21. Letter Kellough to Spitz 3 Dec 64
22. Letter Haugen to Kellough 30 July 65
23. Copy letter Philipzyk to Haugen 29 June 65
24. Copy letter Walsh to Haugen 29 June 65
25. Letter Kellough to Haugen 7 Sept 65
26. Letter Haugen to Kellough 6 Dec 65
27. Agreement 4 Jan 61 Kellough Co & Philipzyk
28. 9 monthly statements & copy letter re: Philipzyk
29. Bundle of cancelled cheques
30. Letter Kellough to Philipzyk 14 Feb 64
31. 6 files Kellough Realty Ltd.
32. Letter Haugen to Philipzyk 28 June 65
33. Letter Philipzyk to Haugen 29 June 65
34. Copy letter Haugen to Philipzyk 4 Oct 65
35. Letter Haugen to Walsh 14 Oct 65
36. Letter Haugen to Philipzyk 24 Dec 65
37. Letter Philipzyk to Haugen 30 Dec 65
38. Letter Haugen to Philipzyk 29 Apr 66
39. Letter Haugen to Philipzyk 12 May 66
40. Letter Philipzyk to Haugen 16 May 66
41. Letter Haugen to Philipzyk 3 June 66
42. Diagram of seating at ethnic hearing
43. Statement Sept 61 signed R.J. Phillips
44. Application for bond 27 Oct 60 Canadian Surety Co.
45. 3 Income Tax T4 slips 1964-5-6
46. Copy letter Haugen to Walsh 23 June 65
47. Letter Walsh to Haugen 7 Oct 65
48. Letter Walsh to Shaske 20 Dec 65

49. Copy letter Haugen to Walsh 3 June 66
50. Letter Walsh to Haugen 6 June 66
51. Submission of Walsh to Commissioner
52. Letter Haugen to Phillips 11 June 64
53. Letter McPhee's office to Philipzyk 17 Sept 64
54. Letter Haugen to Walsh 10 Sept 64
55. Copy letter Walsh to Kellough 19 Sept 64
56. Letter Haugen to Walsh 16 Nov 64
57. Letter Walsh to President Co-op 24 Nov 64
58. Letter Haugen to Walsh 10 Dec 64
59. 5 Burton Co ledger sheets 1965-66
60. Letter Wm. Anderson to EREBd 3 Mar 66
61. Letter Haugen to Anderson 7 Mar 66
62. Letter Anderson to EREBd 10 May 66
63. Letter Anderson to EREBd 31 May 66
64. Letter Haugen to Anderson 27 May 66
65. Report of Ethics Committee 17 Dec 65
66. Minutes of Meeting 22 Dec 65 of Directors
67. Financial Statement of EREB co-op L.B. Ltd 1969
68. List of Members & Minutes of Gen. Meeting 3 May 66
69. Special Report #2 of Ombudsman 24 Mar 70
70. Letter H.W. Webber to Haugen 5 Dec 68
71. Proceedings of Legislature 7 Apr 70
72. Report of Chairman Ethics Committee (Winterburn)
73. Submission of Walsh to Commission Counsel 2 July

NOTE

EXHIBITS CIRCLED HAVE NOT BEEN COPIED.

ORIGINALS RETURNED TO D. H. BOWEN, SOLICITOR, REPRESENTING
H. R. KELLOUGH AND TO J. E. REDMOND, SOLICITOR FOR THE
EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED.

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Approved and Ordered,

Robert R. Brown

LIEUTENANT GOVERNOR

O.C. 791/70

Edmonton,
April 28, 1970.

The Executive Council has had under consideration the report of the Honourable the Attorney General, dated April 23, 1970, stating that:

WHEREAS in a Submission to the Executive Council dated October 10, 1969, the Ombudsman has alleged that one R. J. Philipzyk was wrongfully expelled from membership in the Edmonton Real Estate Board Co-operative Listing Bureau Limited and in consequence of such dismissal has suffered damages; and

WHEREAS the Ombudsman in his Submission has alleged that an officer of the Department of Industry and Tourism should not have permitted the Edmonton Real Estate Board Co-operative Listing Bureau Limited to incorporate as a co-operative association, or, alternatively, should not have approved of its supplemental by-laws; and

WHEREAS the Ombudsman in his Submission has recommended that the Government of Alberta do repeal the supplemental by-laws of the Edmonton Real Estate Board Co-operative Listing Bureau Limited, or do change the form of this organization to some form other than a co-operative association; and

WHEREAS the Ombudsman has also recommended that the Government of Alberta do compensate the said R. J. Philipzyk for loss of income suffered by him as a result of his alleged wrongful expulsion; and

WHEREAS the Edmonton Real Estate Board Co-operative Listing Bureau Limited has alleged that it can establish that it is properly incorporated as a co-operative association, that its supplemental by-laws are suitable in their present form and that the said R. J. Philipzyk was properly dealt with by it in accordance with its supplemental by-laws; and

WHEREAS it is expedient and in the public interest that an inquiry be made into the matters hereinafter set out:


THEREFORE, upon the recommendation of the Honourable the Attorney General, the Executive Council advises that the Lieutenant Governor in Council, pursuant to section 2 of The Public Inquiries Act, do issue a Commission appointing The Honourable Colin Campbell McLaurin, retired Chief Justice of the Trial Division of The Supreme Court of Alberta, as a commissioner to make an inquiry into the Submission of the Ombudsman to the Executive Council dated October 10, 1969, touching upon the following and such other matters as to the said commissioner appear meet:

- (1) whether the Edmonton Real Estate Board Co-operative Listing Bureau Limited was properly incorporated as a co-operative association;
- (2) whether the Government of Alberta through any of its officers concerned ought not to have approved of the supplemental by-laws of the Edmonton Real Estate Board Co-operative Listing Bureau Limited;
- (3) whether the Edmonton Real Estate Board Co-operative Listing Bureau Limited should be permitted to retain its supplemental by-laws in their present form;
- (4) whether any changes should be made in The Co-operative Associations Act or the procedures followed by the Department of Industry and Tourism in administering this Act;
- (5) whether one R. J. Philipzyk was wrongfully expelled from the Edmonton Real Estate Board Co-operative Listing Bureau Limited, either by virtue of its supplemental by-laws or otherwise;
- (6) whether there was any causal connection between any wrongful expulsion of the said R. J. Philipzyk from membership in the Edmonton Real Estate Board Co-operative Listing Bureau Limited and the fact that this body was incorporated under The Co-operative Associations Act, or the fact that its supplemental by-laws in their present form were approved by an officer or officers of the Government of Alberta;
- (7) whether the Government of Alberta should compensate the said R. J. Philipzyk in whole or in part for loss of income suffered by him as a result of his dismissal by the Edmonton Real Estate Board Co-operative Listing Bureau Limited;

and to report thereon to the Lieutenant Governor in Council and to make such recommendations to the Lieutenant Governor in Council as the said Commissioner may deem proper.


CHAIRMAN

Certified a True Copy


Clerk of the Executive Council

IN THE MATTER OF: THE PUBLIC INQUIRIES
ACT

-and-

IN THE MATTER OF: the Expulsion of one
R. J. PHILIPZYK from the EDMONTON REAL
ESTATE BOARD CO-OPERATIVE LISTING BUREAU
LIMITED

-and-

IN THE MATTER OF: the EDMONTON REAL ESTATE
BOARD CO-OPERATIVE LISTING BUREAU LIMITED

-and-

IN THE MATTER OF: THE CO-OPERATIVE ASSOCIATIONS
ACT and the Administration thereof.

A F F I D A V I T

I, VIRGINIA ROBINSON, of the City of Calgary, in the Province
of Alberta, (Secretary) MAKE OATH AND SAY:-

THAT I caused to be published the Notice of
Public Inquiry attached hereto and marked Exhibit "A" to this
my Affidavit in the issue of each of the following newspapers
in the Province of Alberta as stated below:-

- (1) Calgary Herald - May 14th, 1970 Edition;
- (2) Grande Prairie Daily Herald-Tribune - May 14th, 1970
Edition;
- (3) Red Deer Advocate - May 14th, 1970 Edition;
- (4) Medicine Hat News - May 14th, 1970 Edition;
- (5) Edmonton Journal - May 15th, 1970 Edition;
- (6) Lethbridge Herald - May 15th, 1970 Edition

and attached hereto and marked Exhibits "B", "C", "D", "E",
"F" and "G" respectively to this my Affidavit are tear-sheets

from the above-mentioned newspapers, containing publication
of the aforesaid Notice.

SWORN TO BEFORE ME
at the City of Calgary,
in the Province of Al-
berta, this 19th day of
June, A.D. 1970.

)
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)
)

Virginia Robinson

Charles P. Hodgson
A COMMISSIONER FOR OATHS IN AND FOR
THE PROVINCE OF ALBERTA.

IN THE MATTER OF: THE PUBLIC INQUIRIES
ACT

-and-

IN THE MATTER OF: the Expulsion of one
R. J. PHILIPZYK from the EDMONTON REAL
ESTATE BOARD CO-OPERATIVE LISTING BUREAU
LIMITED

-and-

IS EXHIBIT "A" IN THE MATTER OF: the EDMONTON REAL ESTATE
Board CO-OPERATIVE LISTING BUREAU LIMITED

ALMA ROBINSON

-and-

before me this 19th

JUNE A.D. 1970

IN THE MATTER OF: THE CO-OPERATIVE ASSOCIA-
TIONS ACT and the Administration thereof

By *Lyndal J. Hargrave*
COMMISSIONER FOR OATHS
AND FOR THE RELIEF OF ALLEGIA

NOTICE OF PUBLIC
INQUIRY

TAKE NOTICE that pursuant to the Public Inquiries Act
the Hon. C. C. McLaurin will hold an Inquiry at Room 17
of the Northern Alberta Jubilee Auditorium, 114th Street and
87th Avenue, Edmonton, Alberta, commencing at 10:00 o'clock
in the forenoon on Monday, the 22nd day of June, A.D. 1970,
into the following matters:-

1. Whether the EDMONTON REAL ESTATE BOARD CO-OPERATIVE
LISTING BUREAU LIMITED was properly incorporated as a
co-operative association;
2. Whether the Government of Alberta through any of its
officers concerned ought not to have approved of the
supplemental by-laws of the EDMONTON REAL ESTATE BOARD
CO-OPERATIVE LISTING BUREAU LIMITED;

3. Whether the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED should be permitted to retain its supplemental by-laws in their present form;
4. Whether any changes should be made in THE CO-OPERATIVE ASSOCIATIONS ACT or the procedures followed by the Department of Industry and Tourism in administering this Act;
5. Whether one R. J. PHILIPZYK was wrongfully expelled from the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED, either by virtue of its supplemental by-laws or otherwise;
6. Whether there was any causal connection between any wrongful expulsion of the said R. J. PHILIPZYK from membership in the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED and the fact that this body was incorporated under THE CO-OPERATIVE ASSOCIATIONS ACT, or the fact that its supplemental by-laws in their present form were approved by an officer or officers of the Government of Alberta;
7. Whether the Government of Alberta should compensate the said R. J. PHILIPZYK in whole or in part for loss of income suffered by him as a result of his dismissal by the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED.

AND FURTHER TAKE NOTICE that all persons desiring to give evidence before the Inquiry are requested to communicate in writing with Counsel for the Inquiry, W. A. MCGILLIVRAY, Esq., Q.C., 1500 Guinness House, CALGARY, Alberta, on or before Monday, the 15th day of June, A.D. 1970, setting forth their request to be called as a witness and briefly outlining the nature of their intended testimony.

DATED at Calgary, Alberta, this 12th day of May, A.D. 1970.

A handwritten signature in cursive script, appearing to read "C. C. McLaurin", is written above a horizontal line.

C. C. McLaurin,
Commissioner.

PUBLIC NOTICES

IN THE MATTER OF:
THE PUBLIC INQUIRIES ACT
and

IN THE MATTER OF: the Expulsion of one R. J. PHILIPZYK from the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED

and
IN THE MATTER OF: THE EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED

and
IN THE MATTER OF: THE CO-OPERATIVE ASSOCIATIONS ACT and the Administration thereof

NOTICE OF PUBLIC
INQUIRY

TAKE NOTICE that pursuant to the Public Inquiries Act the Hon. C. C. McLAURIN will hold an Inquiry at Room 17 of the Northern Alberta Jubilee Auditorium, 114th Street and 87th Avenue, Edmonton, Alberta, commencing at 10:00 o'clock in the forenoon of Monday, the 22nd day of June, A.D. 1970, into the following matters:-

1. Whether the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED was properly incorporated as a co-operative association;
2. Whether the Government of Alberta through any of its officers concerned ought not to have approved of the supplemental by-laws of the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED;
3. Whether the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED should be permitted to retain its supplemental by-laws in their present form;
4. Whether any changes should be made in the CO-OPERATIVE ASSOCIATIONS ACT or the procedure followed by the Department of Industry and Tourism in administering this Act;
5. Whether one R. J. PHILIPZYK was wrongfully expelled from the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED, either by virtue of its supplemental by-laws or otherwise;
6. Whether there was any causal connection between any wrongful expulsion of the said R. J. PHILIPZYK from membership in the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED and the fact that this body was incorporated under the CO-OPERATIVE ASSOCIATIONS ACT, or the fact that its supplemental by-laws in their present form were approved by an officer or officers of the Government of Alberta;
7. Whether the Government of Alberta should compensate the said R. J. PHILIPZYK in whole or in part for loss of income suffered by him as a result of his dismissal by the EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED.

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DATED at Calgary, Alberta, this 12th day of May, A.D. 1970.

C. C. McLAURIN,
Commissioner.

NOTICE
CITY OF REVELSTOKE

PUBLIC NOTICES

DEPARTMENT OF
PUBLIC WORKS,
CANADA
TENDERS

SEALED TENDERS addressed to the Chief, Financial and Administrative Services, Department of Public Works of Canada, 10225 - 100th Avenue, EDMONTON, Alberta and endorsed "ADMINISTRATION BUILDING EXTENSION, C.F.S., INUVIK, N.W.T." for DEPT. OF NATIONAL DEFENCE, will be received until 11:30 A.M. (M.S.T.) JUNE 5, 1970.

Tender documents can be obtained on deposit of \$25.00 in the form of a CERTIFIED BANK CHEQUE made payable to the RECEIVER GENERAL OF CANADA through the following Department of Public Works of Canada offices: 10225 - 100th Avenue, EDMONTON, Alberta; 9th Floor Baker Centre Bldg., 10025 - 106th Street, EDMONTON, Alberta; 400 Customs Building, 11th Ave. & 1st Street, S.E., CALGARY, Alberta; the Department's Office in INUVIK, N.W.T. and may be viewed at the Construction Association Offices in Edmonton and Calgary as well as at the Departments offices in YELLOWKNIFE, HAY RIVER and Ft. SMITH, N.W.T.

The deposit will be released on return of the documents in good condition within one month from the date of tender opening.

To be considered, each tender must be submitted on the form supplied by the Department and must be accompanied by the security specified in the tender documents.

The lowest or any tender not necessarily accepted.

Ian M. Thomas,
Chief, Financial and
Administrative Services

NOTICE OF
DIVORCE ACTION
TO: ROBERT JAMES
PEARCE
ONCE OF
CALGARY, ALBERTA

Your wife filed a Petition for Divorce numbered 4801 - 03622 in the Office of the Clerk of the Supreme Court of Alberta at Calgary on the 6th day of May A.D. 1970. The Petitioner's Solicitor is Messrs. Vallance, Vallance, Brownlee, Dunphy, & Landarkin, of Calgary, Alberta. The Petitioner claims a divorce and alimony and maintenance and custody of the infant child of the marriage and costs. The grounds alleged are stated in the Petition, a copy of which will be mailed to you upon request to the Petitioner's Solicitor. If you wish to oppose the Petition, or seek other relief, you should immediately file in the office of the Clerk of the Court, Court House, Calgary, Alberta, an Answer or Demand of Notice or instruct your lawyer to do so. If on or before 30 days of this publication you fail to file an Answer or Demand of Notice, the Petitioner may proceed, according to the practice of the Court, to note you in default and you will not be entitled to notice of any further proceedings and the relief sought by the Petitioner may be given in your absence. Your whereabouts being unknown the Court ordered substitutional service upon you by this advertisement.

APPROVED:
J. V. H. Milvald,
J.S.C.A.

GOVERNMENT OF THE
NORTHWEST
TERRITORIES
DEPARTMENT OF
PUBLIC WORKS

Won't Give Up

DUBLIN (AP) — The Irish relief organization called Africa Concern announced it will continue trying to send post-war relief supplies into Nigeria despite a ban on them by the Nigerian government. "We did not stop sending relief into the country when somebody was trying to shoot down our planes, so a statement is not likely to stop us," said John Kennedy, Africa Concern director.

PUBLIC NOTICES

Invitation To Tender
Tenders For

General Contract for
Erection and Completion
of Car Park 2 for the
University of Alberta
Edmonton, Alberta

Sealed tenders addressed to Dr. W. D. Neal, Vice President of Campus Planning and Development, for the Erection and Completion of "Car Park 2", will be received at the Office of the Director, Campus Planning and Development, Room 207, University Hall, the University of Alberta, Edmonton, up to two o'clock p.m. Mountain Standard Time, June 2, 1970.

Tender documents are available at Room 110, University Hall, to general contractors and major sub-contractors on deposit of (\$100.00) which will be refunded on return of documents within 14 days after tender closing. Tender documents will be displayed at Construction Association Offices in Edmonton and Calgary.

Mechanical and Electrical subtrades shall bid in accordance with the rules and regulations of the Alberta Bid Depository Ltd., Edmonton.

Each tender must be accompanied by (a) a bid bond in the amount of (\$100,000) OR (b) a certified cheque payable to the Board of Governors for not less than 10% of the tender.

THE LOWEST OR ANY TENDER
WILL NOT NECESSARILY BE ACCEPTED.

W. A. Hiller, Director of
Campus Development
The University of Alberta
Edmonton, Alberta

OIL AND GAS
CONSERVATION BOARDAPPLICATION
NO. 5087
NOTICE
WEST DRUMHELLER
FIELD

TAKE NOTICE that, unless objection by a person having a bona fide interest in the matter is filed on or before May 27, 1970, with the undersigned and with the applicant at its address set out below, the Board may grant an application by Hudson's Bay Oil and Gas Company Limited for an amendment to Board Order, No. 50

DATED:

19th June, 1970.

* * * * *

IN THE MATTER OF: THE PUBLIC IN-
QUIRIES ACT

-and-

IN THE MATTER OF: the Expulsion of
one R. J. PHILIPZYK from the EDMONTON
REAL ESTATE BOARD CO-OPERATIVE LISTING
BUREAU LIMITED

-and-

IN THE MATTER OF: the EDMONTON REAL
ESTATE BOARD CO-OPERATIVE LISTING
BUREAU LIMITED

-and-

IN THE MATTER OF: THE CO-OPERATIVE
ASSOCIATIONS ACT and the Administration
thereof

* * * * *

A F F I D A V I T

* * * * *

* * * * *

FEBERTY, MCGILLIVRAY, ROBERTSON,
PROWSE, BRENNAN, FRASER, BELL &
CODE,

Barristers Solicitors
1500 Guinness House,
CALGARY, Alberta.

WAM/vr.

FILE: 39129-WAM.

No.

PROVINCE OF ALBERTA



CANADA

Certificate of Incorporation

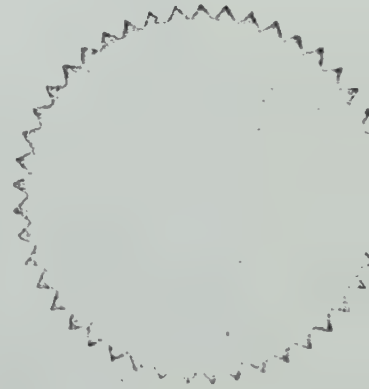
I hereby Certify that

- EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED -

is this day incorporated under "The Co-operative Associations Act, 1946" of the Province of Alberta.

Given under my hand and seal of office at Edmonton this - 27th -

day of - June - A.D. 19.52



[Signature]

..... (Jas. Warr)
Registrar of Joint Stock Companies

Ex (5)
f

EDMONTON REAL ESTATE BOARD
CO-OPERATIVE LISTING BUREAU
LIMITED

SUPPLEMENTAL BY-LAWS

BISHOP, MCKENZIE, JACKSON & LATTA
BARRISTERS, SOLICITORS, ETC.
EDMONTON, ALBERTA

EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU
LIMITED

SUPPLEMENTAL BY-LAWS

I, GRACE FORBES, of the City of Edmonton, in the Province of Alberta, being Secretary of the Edmonton Real Estate Board Co-operative Listing Bureau Limited, hereby certify that the Supplemental By-Laws attached hereto are a true and exact copy of the revised Supplemental By-Laws passed at a general meeting of the Edmonton Real Estate Board Co-operative Listing Bureau Limited held at the City of Edmonton, in the Province of Alberta, on the 15th day of April, 1959, called for the purpose of authorizing the said revision of the Supplemental By-Laws.

DATED at the City of Edmonton, in the Province of Alberta, this 24th day of November, A.D., 1958.

Grace Forbes
Grace Forbes, Secretary,
Edmonton Real Estate Board Co-operative
Listing Bureau Limited.

CERTIFIED before me at the City of Edmonton, in the Province of Alberta, this 25th day of November, A.D., 1958.

T. W. Borack
A COMMISSIONER FOR OATHS in and for
the Province of Alberta.

W. J. [unclear]
1958

APR 8 1959

THE REGISTRAR OF
JOINT STOCK COMPANIES
PROVINCE OF ALBERTASUPPLEMENTAL BY-LAWSOF THEEDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITEDDEFINITIONS

1. In these By-Laws unless the context otherwise requires:

- (a) "Board" means the Edmonton Real Estate Board Co-Operative Listing Bureau Limited.
- (b) "By-Laws" includes the forms in the Schedules to the By-Laws, the Code of Ethics, the scale of Commissions and Fees as fixed by the Directors and approved by the Members and the Standards of Business Practice as fixed by the Directors and approved by the members from time to time, enacted together with the Standard By-Laws under the Co-Operative Associations Act;
- (c) "Directors" means the Board of Directors of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited;
- (d) "Real Estate Business" includes the buying, selling, exchanging, renting, leasing, managing, appraising and financing, either as principal or as agent of real estate for compensation, and developing and selling land as building sites and erecting buildings for sale;
- (e) "Greater Edmonton Area" shall mean City of Edmonton, Town of Jasper Place and Town of Beverly.

MEMBERSHIP

2. There shall be six classes of members in the Board, namely:

- (a) voting agent member;
- (b) voting salesman member;
- (c) salesman member;
- (d) non-resident member;
- (e) honorary life member;
- (f) associate member.

VOTING AGENT MEMBERS

3. (1) Any person is eligible for membership in the Board as a Voting Agent Member who
- (a) is licensed as a Real Estate Agent under the Real Estate Agents Licensing Act of the Province of Alberta.
 - (b) has been licensed as a Real Estate Agent in the Greater Edmonton area for a period of at least one (1) year immediately

- (c) whose application is approved pursuant to the provisions of these By-Laws, Sections 14 to 43 inclusive.
- (2) In the case of a firm, partnership or corporation
- (a) membership in the Board shall be carried on the membership rolls of the Board in the Trade name of the firm, partnership or corporation but the named representative only of such firm, partnership or corporation shall exercise the rights of a Voting Agent Member, ("named representative being defined as the individual whose name appears on the Real Estate Agents license issued by the Government of the Province of Alberta who is authorized to act as the agent on behalf of the firm, partnership or corporation;
 - (b) the named representation in the Board of a firm, partnership or corporation is not transferable to another named representative of that firm, partnership or corporation;
 - (c) if a named representative of a firm, partnership or corporation is changed, the new named representative shall forthwith apply for membership as a Voting Agent member and if he fails to apply or his application is not approved, the name of the firm, partnership or corporation shall be struck off the membership roll of the Board forthwith.
- (3) The Directors, in meeting, by a majority vote of those present, may reinstate the name of the firm, partnership or corporation whose name has been struck off the membership roll of the Board, if it submits within SIXTY DAYS of its being struck off, a new named Representative whose application is approved.
- (4) In the case where a new named Representative of a firm, partnership or corporation applies for membership in the Board, he shall be deemed to have been a licensed Real Estate Agent for a period of one year in accordance with Section 3, Subsection (1), Clause (b) if
- (a) He has been employed by the firm, partnership or corporation for a period of one year or more immediately prior to application and
 - (b) the firm, partnership or corporation has been licensed under the Alberta Real Estate Agents Licensing Act for a period of one year or more immediately prior to application.
- (5) The Directors, by a two-thirds majority vote of those present and voting at a meeting of the Directors, may waive the requirement of having been a licensed Real Estate Agent in the Greater Edmonton Area for a period of one year or more as required by Section 3, Subsection (1) Clause (b), in the case of a person applying for Voting Agent membership who has held for not less than one year immediately prior to application
- (a) not less than a one-third interest in a Real Estate business operated by an individual, or
 - (b) not less than a one-third interest in a Real Estate business operated by a partnership of which he is a partner, or

(c) not less than one-third of the voting shares or stock in a Real Estate business operated by a corporation.

(6) Any change in the ownership of a business, partnership in a partnership or officers in a corporation shall be reported forthwith to the Secretary of the Board. Such report shall be in writing.

4. Only voting agent membership shall carry with it the rights and obligations of and for the services rendered through the Photo Listing Services of the Board.

SALESMAN MEMBER

5. Each employee of a Voting Agent member who:

- (a) is licensed under the Real Estate Agents' Licensing Act; and
- (b) has been continuously employed since obtaining his license for a period of six months by a voting agent member;

is eligible for membership as a salesman member subject to the requirements of these by-laws.

6. Each voting agent member who employs any person eligible for membership as a salesman member shall be responsible:

- (a) to present an application for membership for each eligible salesman employed by him forthwith after the salesman becomes eligible for membership, and
- (b) for collecting and remitting to the Board the prescribed entrance fees and dues payable to the Board on behalf of each such applicant for salesman membership; and
- (c) for obtaining execution by the applicant of the covenants, undertakings, and waiver of claims set out in Schedule I hereto, and such other forms as the Board may from time to time require; and
- (d) to terminate the employment of any salesman eligible for membership in the Board as a salesman member who declines to apply for membership or whose application for membership is rejected, or who is suspended or expelled from membership by the Board.

7. (1) A salesman member may serve and vote on all committees of the Board to which he may be elected or appointed, except as hereinafter provided in this Constitution.

(2) A salesman member may vote:

- (a) for the election of voting salesman members;
- (b) for the election of two voting salesman members as Directors.

(3) A salesman member shall not have the right to vote:

- (a) for the election of voting agent members as directors, or
- (b) in an election to elect voting salesman members, after there has been elected in that election one voting salesman member employed by the partnership or corporation or Voting agent member who employs him, but this shall not prevent the nomination and election by the remaining salesman members of two or more voting salesman members employed by the same partnership, corporation or voting agent member.

(4) A salesman member, other than a voting salesman member, shall not have the right to vote:

- (a) for the election of officers;
- (b) on amendments to the Constitution of the Association, including the application and the by-laws;
- (c) on any matter pertaining to the finances of the Association.

VOTING SALESMAN MEMBER

- 8. (1) The salesman members may nominate and elect from their membership voting salesman members in accordance with the conditions set out in this section.
- (2) One voting salesman member may be elected for each FIFTY salesman members, PROVIDED HOWEVER, the ratio of voting salesman members to voting agent members be ONE (1) voting salesman member to EIGHT (8) voting Agent members.
- (3) Only a salesman member who has been a LICENSED SALESMAN for THREE (3) full years is eligible for nomination and election as a voting salesman member.
- (4) Each salesman member elected as a voting salesman member shall be elected for a ONE (1) year term, but he may be re-elected for a second or subsequent terms.

9. A voting salesman member:

- (a) has the right to vote on all matters before the Association to the same extent as a voting agent member except that in the case of election of directors voting salesman members vote for salesman directors only and voting agent members vote for agent directors only;
- (b) shall be eligible to serve as a director or officer of the Board.

ASSOCIATE MEMBER

- 10. (1) Any licensed Real Estate Agent in the Greater Edmonton Area, who is unable to qualify as a voting agent member as set out under Section 3, or any trust company, loan company, mortgage company or any branch thereof, and any person or financial agent representing such a company, and any person or corporation engaged in the business of a valuator or appraiser of real estate is eligible for associate membership.

in the Board, subject to the terms of these by-laws, whether or not the activities of such person or corporation are such as to require them to be licensed under the Real Estate Agents' Licensing Act of the Province of Alberta.

- (a) An associate member shall not have the right to vote, and shall not have the right to hold office.

NON-RESIDENT MEMBER

11. A person residing in Alberta outside the Greater Edmonton Area and carrying on business as a licensed real estate agent, may make application to the Board for a non-resident membership, whether such person is a member of a firm or partnership or a director or officer of a corporation engaged in the real estate business or a manager having a financial interest in such business or a salesman in the permanent employ of such a business.
12. Non-resident members are not entitled to vote, or to hold office as Directors, or to act on committees.

HONORARY LIFE MEMBERS

13. (1) The Directors may elect any person who has rendered outstanding service in any way to the real estate business as an honorary member by unanimous vote of those present at a director's meeting regularly called, provided at least FIVE (5) days notice of the name of the person to be elected has been given to each director.
- (2) An honorary life member shall have all the rights and privileges of membership but shall not be required to pay membership dues.

APPLICATION FOR MEMBERSHIP

14. Each application for membership shall:
- (a) be made in writing to the Secretary.
 - (b) be made on the form from time to time approved by the Directors, giving the details, information and particulars requested therein in full;
 - (c) be signed by at least two voting agent members of the Board as proposer and seconder respectively, except in the case of an application from a salesman for membership when only one voting agent member is required as a proposer.
15. Each applicant shall sign the covenants, undertakings and waiver of claims set out in Schedule I hereto, containing among other things;
- (a) an irrevocable waiver of claim against the Board or any director, officer, member or agent thereof for any act done in connection with the business of the board and particularly as to its or their acts in electing or failing to elect him as a member or disciplining him as a member or expelling him from membership;

- (b) An undertaking to observe the by-laws, the Code of Ethics, and the rules of professional conduct of the Board and acknowledging that he has read and thoroughly understands the same.
 - (c) an undertaking to submit disputes with any other member over commissions or any other matter the Directors may consider appropriate for arbitration by the Arbitration Committee and to accept the Arbitration Committee's decision as final and binding.
16. (1) Each application for membership shall be mailed or personally delivered, addressed to the Secretary of the Board at the offices of the Board.
- (2) Each application shall be accompanied by:
- (a) The covenants, undertakings and waiver of claims in the form set out in Schedule I hereto; and
 - (b) cash or cheque payable to the Board covering the entrance fee and/or annual dues from time to time fixed by the Directors and approved by the membership in accordance with these by-laws.
17. The Board may require that any new applicant for membership, whether as a voting agent member or as a salesman member, shall:
- (a) write and pass such examinations as may be set by the Board; and
 - (b) take such courses as may be provided by the Board.
18. In the case of an application for membership as a voting agent member, the applicant shall also submit:
- (a) a signed statement in the form set out in Schedule II that he has now and will maintain an office in accordance with the minimum requirements, as defined in the said form as follows:
 - (1) that I will maintain at all times an office that meets with the approval of the Commissioner of Real Estate;
 - (2) that the said office will be so situated that the Public will have direct access thereto at all times during ordinary business hours;
 - (3) that I will have at least one desk and telephone for my personal use and one desk for each salesman that I employ, together with at least one telephone or extension thereof for every two salesmen employed.
 - (4) that I will provide proper filing facilities for the filing and recording of the transactions of my firm.
 - (5) I hereby state that I now have an office that meets with the above requirements located at _____
 - (b) a signed covenant in the form set out in Schedule II, that he maintains the necessary records and real estate trust account as required by the Real Estate Agents' Licensing Act;
 - (c) a signed covenant in the form set out in Schedule II, to terminate the employment of any salesman eligible for membership in the Board as a salesman member who declines to apply for

membership, or whose application for membership is rejected, or who is suspended or expelled from membership by the Board;

- (d) "Certificate of Solvency" signed by the Auditors of the Edmonton Real Estate Board Co-Operative Listing Bureau, Limited or by a firm of Chartered Accountants, which certifies that the applicant's current assets are equal to or exceeded by the applicant's current liabilities on an audited financial statement of the applicant within the immediately preceding 12 months and that the applicant maintains a real estate trust account which is not impaired and is in proper order.
- 19. For the purpose of obtaining a "Certificate of Solvency" an applicant for voting agent membership may deliver directly to the Auditors of the Board the most recent audited financial statement of the applicant covering a complete fiscal year.
- 20. The applicant's audited financial statement shall be treated as confidential and privileged information in the hands of the Auditors of the Board.
- 21. The contents of the applicant's financial statement shall not be made known by the Auditors to any director or member of the Board, or to any other person without written authorization of the applicant.
- 22. If the Auditors of the Board are unable to issue a Certificate of Solvency to an applicant his financial statement shall be returned to him by the said Auditors and the Auditors shall advise the directors that they are unable to issue a Certificate of Solvency to the applicant, and the directors shall advise the Commissioner of Real Estate of this fact.
- 23. An applicant for membership as a voting agent member instead of applying to the Auditors of the Board for a Certificate of Solvency may provide a Certificate of Solvency signed by a firm of Chartered Accountants if such certificate is in the form approved by the Board.
- 24. If an applicant is unable to produce a Certificate of Solvency the directors shall refuse the application for membership.
- 25.
 - (1) Each application for any class of membership, together with the names of the proposer and seconder, shall be submitted by the Secretary; and
 - (a) to the membership committee for its consideration; and
 - (b) by mail to each member of the Board.
 - (2) In the case of a Voting Agent member, the Secretary shall obtain a Credit Report on the applicant for consideration of the Board of Directors.
- 26. The membership committee shall
 - (a) Make such investigation covering an applicant as appears necessary in their discretion; and
 - (b) submit its recommendations to the directors.
- 27. Any member who desires to make any comments concerning the desirability or otherwise of admitting an applicant to membership may submit his comments in writing to the Directors who shall treat such comments as strictly confidential and shall not disclose the same to any person.

28. No application for membership shall be dealt with by the Directors until
- (a) the Directors have received the report of the membership committee; and
 - (b) at least SIX (6) days have elapsed from the date of mailing to the membership, notice of the said application.
29. The Directors shall consider each application, together with the report of the membership committee, and such letters as may have been received from the membership approving or disapproving the application, and in their discretion may approve or reject any application, and in particular without limiting the generality of the foregoing they shall reject an application if in their opinion:-
- (a) the principal business interest of the applicant is some other business than the real estate business, or the real estate and insurance business, or
 - (b) the applicant is controlled directly or indirectly by an individual partnership or corporation which holds a controlling interest in one or more other firms, partnerships or corporations and which already has one named representative as a voting agent member, which named representative shall be deemed to represent the combined interest of the several firms, partnership or corporations which are so controlled.
30. If an application is approved by a two-thirds majority vote of those directors present at a regularly called directors meeting the applicant shall be declared elected to membership in the Board.
31. If a third or more of the votes are dissenting, the application for membership shall be refused, but in such case it may in the discretion of the Directors be referred to the whole membership.
32. If an application for membership is referred by the Directors to the membership it shall be voted upon by secret ballot of the members at the next regular meeting of the membership.
33. The ballots on such an application shall be counted immediately following the meeting by three members of the membership committee, or in the absence by three members of the Board selected by the Chairman of the meeting who shall be assisted in either case by the Secretary if present.
34. If thirty-three and one-third ($33 \frac{1}{3}$) percent of the votes cast on any such application are opposed to the admission of the applicant, then the application shall be rejected.
35. The Secretary shall notify each applicant whether his application is accepted or rejected not later than ONE (1) WEEK following the meeting of the Directors at which it is dealt with, or not later than ONE (1) WEEK following the holding of the ballot as the case may be.
36. Where an application for membership as a salesman member is rejected, the Secretary shall notify in writing both the applicant and the agent member who employs the applicant that:
- (a) the application for membership is rejected; and
 - (b) the employment of the applicant as a real estate salesman by the voting agent member shall be terminated effective not later than THIRTY (30) days following the date the Secretary's notice is dated and mailed.

37. The voting agent member shall terminate the employment of each salesman whose application for membership is rejected as soon as reasonably possible, and in any event, termination shall be effective not later than THIRTY (30) days following the date of the Secretary's notice that the application for membership was rejected.
38. The number of votes for and against any application shall be treated as confidential in the hands of the Secretary and the Directors and shall not be disclosed to members of the Board.
39. Membership in the Board is personal and not transferable except with the approval of the Board of Directors.
40. All classes of members, other than associate members and honorary life members shall hold a license in good standing under "The Real Estate Agents' Licensing Act" for the Province of Alberta or such other act or regulation as may from time to time be substituted therefor entitling the person to transact the business of real estate in the Province of Alberta as a real estate agent or as a real estate salesman.
41. When an applicant is elected to membership by the Directors, the Secretary shall issue a Certificate of Membership in the name of the applicant, bearing the signatures of the President, and the Secretary.
42. Each member shall display his Certificate of Membership conspicuously in his place of business.
43. Each Certificate of Membership is the property of the Association and the person to whom it is issued shall return it to the Secretary upon termination of his membership.

MEMBERSHIP FEES AND DUES

44. ENTRANCE FEES

- (1) The entrance fee for a Voting Agent Member, including co-operative listing services, shall be \$500.00, or such other fee as may be determined from time to time by the Directors and approved at a general meeting by a two-thirds majority vote of the voting members.
- (2) Entrance fees shall be payable in advance at the time of submission of the application for membership, and are non-returnable after the applicant has been approved by a two-thirds majority vote of the Directors or as otherwise provided in this constitution.
- (3) Entrance fees tendered by unsuccessful applicants shall be returned in full to such applicants within thirty (30) days of the rejection of the application.
- (4) Membership in the Board is not transferable.
- (5) The Directors by a two-thirds majority vote of the Directors present at a duly called Directors' Meeting, may waive payment of the Entry Fee in the following cases:
 - (a) where an individually licensed Real Estate Agent sells his business to another individual who applies for membership and who meets all the qualifications for eligibility for membership in the Board.

- (b) where an individually licensed Real Estate Agent becomes a member, with at least a one-third interest, in a partnership or where he incorporates as a corporation, holding at least one-third of the voting stock of that corporation;
- (c) where there is a change made in the named representative of a partnership or corporation and the new named representative applies for membership and meets all of the qualifications for membership in the Board.
- (6) The Directors may, under other special circumstances recommend to a duly called General Meeting of the Board that payment of an Entrance Fee be waived and the same may be waived by a two-thirds majority vote of the voting agent members and voting salesman members present at the general meeting by secret ballot.
- (7) The entrance fee that may be charged from time to time is not under any circumstances refundable.

45. ANNUAL DUES

- (1) The following annual dues shall be paid
 - (a) Voting Agent Member, including co-operative listing services..... \$30.00
 - (b) Non Resident Member, excluding co-operative listing services..... \$30.00
 - (c) Associate Member, excluding co-operative listing services..... \$30.00
 - (d) Salesman Member..... \$11.00

until otherwise determined from time to time by the Board of Directors and approved by the general meeting of the voting members.

- (2) Annual dues cover the calendar year and are payable annually in advance, and not later than the 1st of February in each year, and dues shall not be pro rated.

- 46. The Secretary shall send to each member a notice stating the amount of the annual dues, which notice shall be sent approximately ONE (1) MONTH before the end of each calendar year.
- 47. If annual dues are not paid on or before the 1st of February, or if any other amount due to the Board is not paid within THIRTY (30) DAYS from the date of rendering of a statement therefor by the Secretary, the Secretary shall send a statement of account bearing the notation "delinquent notice" in red ink.
- 48. If a member fails to pay an account owing to the Board within a period of TWO (2) WEEKS from the date of the delinquent notice he shall cease to be a member in good standing and his membership shall automatically be suspended until such time as the amount is paid.

49. The Secretary shall forthwith mail to the member by registered mail a notice of his suspension, together with a copy of such of these by-laws as relate to the payment of fees.
50. If the suspended member fails to pay the amount due within THIRTY (30) days from the date of notice of suspension, he shall be automatically expelled from the Board but such expulsion shall not wipe out or discharge any debt due to the Board.
51. Any member suspended or expelled for non-payment of dues or fees may be reinstated:
- (a) upon paying in full all amounts owing to the Board; and
 - (b) upon reinstatement being approved by a two-thirds majority vote of the directors.
52. Entrance fees and annual dues shall be deemed to be paid for membership privileges only and no member shall have or acquire any vested interest or property rights in the Board or its property.

RESIGNATION OF MEMBERS

53. Any member may tender his resignation at any time and such resignation shall be considered by the first meeting of the directors following receipt of the resignation.
54. A resignation from membership shall become effective when accepted by the directors.
55. The resignation of a member from the Board shall not relieve or discharge him from any indebtedness to the Board for unpaid dues, assessments or other sums owing.

EXPULSION OF MEMBERS

56. (1) The Board of Directors by a two-thirds majority vote have power to Fine, Suspend, Expel or otherwise discipline a member.
- (2) The member shall be given an opportunity for a hearing and may be represented at such a hearing by another member in good standing but cannot be represented by anyone other than a member in good standing.
- (3) The Directors may expel or suspend from membership in the Board any member who:
- (a) has a receiving order made against him or has made an assignment for the general benefit of his creditors pursuant to the bankruptcy act;
 - (b) employs or continues to employ a licensed real estate salesman whose application for membership has been refused by the Board;

(c) has been found guilty of:

- (i) acting in such a manner as to bring the real estate business or the name of this Board into disrepute;
- (ii) careless, incompetent, or unethical dealings unbecoming to a member of this Board;
- (iii) wilfully violating any Rules, Regulations, By-Laws or Code of Ethics of this Board;
- (iv) any crime involving moral turpitude.

(d) has his Real Estate License suspended or cancelled.

DIRECTORS

57. (1) The government and administration of the Board shall be vested in ELEVEN (11) Directors elected from the membership of the Board as hereinafter provided and the Immediate Past President who shall hold office ex officio.
- (2) The Board of Directors shall consist of:
- (a) NINE Voting Agent Members elected as hereinafter provided.
 - (b) TWO Voting Salesman Members elected as hereinafter provided.
58. Except as otherwise provided the Directors shall exercise all the powers of the Board.
59. The President may be either a voting agent member or a voting salesman member.
60. The Vice-President may be either a voting agent member or a voting salesman member.
61. The President and the Vice-President shall be elected annually by a majority vote of the directors for a one year term.
62. (1) Voting salesman members may be elected as hereinafter provided to serve on the Board of Directors providing that no more than TWO (2) such voting salesman members serve as directors at any one time.
- (2) Where the Immediate Past President is a voting salesman member he shall serve as the Immediate Past President as hereinbefore provided, but in this event there may only be ONE (1) voting salesman member serving as a Director.
63. No real estate firm at any time may be represented by more than one director whether the director is a voting salesman member or a voting agent member.
64. If any director changes from one real estate firm to another during his term of office:
- (a) he shall remain in office if his new firm is not at that time represented by a director; or
 - (b) he shall be deemed to have resigned from office as a director if his new firm is already represented by a director.

65. THREE (3) Voting Agent Members shall be elected as directors in each year and each of the THREE (3) shall serve for a term of THREE (3) years.
66. At the first election NINE (9) Voting agent members shall be elected as directors, THREE of whom shall serve for a THREE (3) year term, THREE (3) of whom shall serve for a TWO (2) year term and THREE (3) of whom shall serve for a ONE (1) year term, the longest terms being held by the directors receiving the highest number of votes.
67. TWO voting salesmen members shall be elected as directors in each year by the salesmen members, and the directors so elected shall serve for a ONE (1) year term, except as provided in Section 62.

NOMINATIONS

68. In each year the directors shall appoint a voting agent members nominating committee at least FOUR (4) weeks before the annual meeting.
69. The voting agent members nominating committee shall nominate at least THREE (3) voting agent members to fill the THREE (3) voting agent members vacancies in the directorate in that year and shall obtain the consent in writing of each candidate nominated.
70. Any other voting agent member of the Board may be nominated as a director by a nomination paper in writing, signed by at least FIVE (5) voting agent members of the Board in good standing, bearing the consent in writing of the candidate to the nomination, which nomination paper may be submitted at any time, either before or during the annual meeting prior to the voting.
71. Voting for the election of the THREE (3) voting agent member directors shall be done by secret ballot at the annual meeting and such ballots shall be counted by not less than TWO (2) scrutineers appointed by the chairman of the annual meeting.
72. In the case of a tie vote in any election, another secret ballot shall be called to determine the will of the majority as between the candidates who were tied.
73. Vacancies in the directorate shall be filled by appointment made by the directors until the next annual meeting at which time a member shall be elected to fill the directorship for the remaining year, or years if any, of the unexpired term.

ELECTION OF PRESIDENT AND VICE-PRESIDENT

74. The Nominating Committee, as appointed under Section 68 hereof, shall submit to the first meeting of the Board of Directors nominations for President and Vice-President respectively.
75. Any two members of the Board of Directors may submit further nominations for the offices of President and Vice-President, providing they submit a nomination paper in writing, signed by them, to the first meeting of the Board of Directors and providing they have the consent in writing of the candidate or candidates for nomination.

76. The Board of Directors shall within THREE (3) days of the date of the Annual meeting hold their first Board of Directors meeting and shall at that meeting elect a President and Vice-President from amongst their number by a majority vote of those present at such a meeting.

DUTIES OF THE PRESIDENT

77. The President shall:

- (a) preside at all meetings of the directors of the Board
- (b) exercise general supervision and direction over the business of the Board;
- (c) direct the efforts of the Board towards the achievement of its objects and the enforcement of its by-laws;
- (d) declare and fill vacancies occurring on any committee for any reason, such appointments to be confirmed at the next meeting of the directors.
- (e) appoint temporary substitutes for members temporarily unable to act on any committee for such time as the inability may exist;
- (f) ex officio be a member of all committees and shall receive notice of all committee meetings.

DUTIES OF THE VICE-PRESIDENT

78. In the absence of the President, the Vice-President shall perform the duties of the President.

DUTIES OF THE IMMEDIATE PAST PRESIDENT

79. The Immediate Past President shall advise the directors and attempt to obtain and facilitate continuity of policy and may vote on any matter before the directors.

DUTIES OF THE EXECUTIVE SECRETARY

80. The Secretary shall:

- (a) manage the offices of the Board, subject to the control of the directors.
- (b) act as manager of the business and affairs of the Board and carry out such policies as may be laid down from time to time by the directors.
- (c) work with and assist the President and the directors;
- (d) keep minutes of the meetings of the directors and minutes of general meetings of the Board;
- (e) keep proper books and records of the affairs of the Board which books and records shall be open for examination by any member during the ordinary business hours at the offices of the Board.
- (f) give notice of all meetings of directors and all meetings of members to the directors or the members as the case may be;
- (g) have custody of the seal of the board, and ensure that the same is affixed to any document only when authorized by resolution of the directors;
- (h) perform such other duties as may be prescribed from time to time by the directors.

DUTIES OF DIRECTORS

81. The Directors shall:

- (a) meet to consider and transact the business of the Board at the call of the President, the Vice-President, or the Secretary;
- (b) have charge of the general conduct of the affairs of the Board and conduct the business of the Board in accordance with the by-laws;
- (c) keep the membership reasonably and properly informed on all matters of concern to the membership in respect of the real estate business;
- (d) secure and represent the views of the membership on all matters affecting the real estate business and on matters of civic, provincial or national interest;
- (e) enforce the provisions of the by-laws, the schedule of commissions, fees and charges, the standards of business practice, and the code of ethics of the Board.

82. SEVEN (7) Directors present at any meeting shall constitute a quorum.

83. Decision of the directors shall be established by a majority vote of those present and voting on any question unless otherwise provided herein.

84. Only in the case of a tie shall the President cast the deciding vote.

85. The Directors shall meet regularly at such times as they may from time to time affix, but not less than TEN (10) times in each year.

86. The Directors in their discretion by resolution may expel any director who is absent without excuse deemed reasonable by the Directors from THREE (3) consecutive meetings or is absent from a substantial number of meetings and shall appoint a member as a Director to fill the vacancy thereby created.

87. The Directors may appoint or employ an Executive Secretary and may designate his duties, functions and remunerations.

88. The Directors may employ such other persons as they deem necessary or expedient to properly conduct the activities of the Board and designate their remuneration.

89. The Executive Secretary and any other persons in the employ of the Board shall furnish Surety Bonds in such amounts as the Directors deem necessary or advisable, the cost of which shall be paid out of the funds of the Board.

90. The Directors may retain legal counsel to advise the Board and perform such other professional services as the Directors may require.

91. The Directors shall administer the finances of the Board.

92. The Directors shall not:

- (a) incur any obligations or authorize any expenditures in excess of the funds in the treasury of the Board; or

- (b) borrow on behalf of the Board; or
- (c) receive any remuneration for their services as directors;

without the approval of the Board, granted by a general meeting of the members called for that purpose.

- 93. The Directors shall have the jurisdiction and supervision over all disciplinary action taken by the Board or any committee thereof.
- 94. The Directors may reprimand, suspend, expel, make a monetary assessment against or otherwise discipline in their discretion any member of the Board who breaks or fails to observe any by-law of the Board or the Code of Ethics or is guilty of conduct which in the opinion of the Directors will tend to cause discredit to fall upon the Board or upon the real estate business.
- 95. The Directors by a two-thirds majority vote of those present at any regularly called Directors' meeting may require a member to file with the Auditors of the Board a financial statement or to produce a Certificate of Solvency.
- 96. If any member within THIRTY (30) days after receipt of a written request from the Directors fails to file a financial statement with the Auditors of the Board or fails to produce a Certificate of Solvency, the Directors may suspend or expel the said member.
- 97. If the Directors suspect that any member of the Board has infringed these by-laws or if the Directors in their discretion otherwise deem it advisable, the Directors may require an audit to be made of the books of account of any member of the Board, which audit shall be conducted by the Auditors of the Board.
- 98. If the result of the audit discloses compliance by the member with these by-laws and the provisions of the Real Estate Agents' Licensing Act the information obtained in the audit shall not be communicated by the Auditors to anyone and the cost of the audit shall be borne by the Board.
- 99. If the result of the audit discloses irregularities or non-compliance by the member with the by-laws of the Board, the Auditors shall communicate to the Directors full particulars of the irregularity and non-compliance and the cost of the audit may be assessed by the Directors against the member.
- 100. If the member whose books of account are directed to be audited refuses to produce for the inspection of the Auditors all his books of accounts, ledgers, vouchers and records relating thereto or fails to co-operate in a reasonable way with the conduct of the audit, then the Directors may suspend or expel the said member from membership.
- 101. The Directors may delegate to standing committees or to special committees such of their functions as the directors may from time to time determine.
- 102. The President with the approval of the Directors shall appoint all committees excepting:
 - (a) Past Presidents' Committee
 - (b) Salesmen's Committee
 - (c) The Photo Listing Committee

which Committees shall be set up as hereinafter provided.

103. The President shall be notified of all committee meetings and shall have the right to attend their sessions and take part in their discussions and to vote.
104. Committees shall consist of such number of members as the Directors may determine and shall be appointed for such term not in excess of ONE (1) year as the Directors may determine.
105. Each committee shall report to the Directors when required to do so and annually to the Board.
106. All actions of Committees shall be subject to the approval of the Directors.
107. Any member of a Committee who remains absent from THREE (3) consecutive meetings of the Committee without reasonable cause, may have his appointment to the committee terminated and may be replaced by the Directors in their discretion.
108. At any Committee meeting a majority of the Committee shall constitute a quorum.

STANDING COMMITTEES

109. At all times there shall be ELEVEN (11) standing committees as follows:

1. Membership Committee
2. The program and attendance committee
3. The legislation committee
4. The publicity committee
5. The educational committee
6. The by-laws, standard forms and practices committee
7. The ethics committee
8. The arbitration committee
9. The Past Presidents' committee
10. The salesmen's committee
11. The Photo Listing committee

THE MEMBERSHIP COMMITTEE

110. The membership committee shall:

- (a) encourage and promote membership in the Board and plan and conduct the membership campaigns;
- (b) investigate the eligibility and qualifications of applicants and report in writing their approval or disapproval of each applicant to the Directors;
- (c) stimulate interest of the members in the work of the Board.

THE PROGRAM AND ATTENDANCE COMMITTEE

111. The Program and Attendance committee shall:

- (a) provide and be responsible for programs, discussions, speakers and entertainment which it considers to be in the best interest and welfare of the Board;
- (b) check and record attendance at general meetings of the Board whether annual or special;

- (c) encourage attendance at general meetings by such means as appear effective, including giving special reminders and invitations to attend to members who are regularly absent.

Each member of the Program and Attendance committee may be allocated a designated section of the membership as his responsibility.

THE LEGISLATION COMMITTEE

- 112. The Legislation Committee shall safeguard and promote the interests of real estate agents and salesmen before all legislative and administrative bodies whether municipal, provincial or federal and shall perform such duties pertaining to legislation and regulations as the Directors may refer to it.

THE PUBLICITY COMMITTEE

- 113. The Publicity Committee shall assemble and secure the publication of information relative to the affairs of the Board and real estate business generally.

THE EDUCATIONAL COMMITTEE

- 114. The Educational committee shall:
 - (a) be responsible for all matters relating to the education of the members in connection with the real estate business;
 - (b) make recommendations to the Directors in all matters of an educational nature;
 - (c) arrange educational courses and lectures from time to time with the authority of the Directors;
 - (d) supervise the library of the Board and assist the Secretary in maintaining the library in an up-to-date and useful condition so that it may be readily referred to by the membership.

THE BY-LAWS AND STANDARD FORMS AND PRACTICES COMMITTEE

- 115. The By-Laws and Standard Forms and Practices Committee shall:
 - (a) examine and report to the Directors on any proposed amendments to the by-laws, the commission schedule, the standards of business practice and the Code of Ethics.
 - (b) examine and report to the Directors on any suggested amendments of existing forms and to suggest, examine and report on new forms and changes in existing forms, for the benefit of the Board or any part thereof.

- 116. The Board of Directors may, at their discretion, from time to time adopt certain standard forms used in the real estate profession which forms shall bear the Realtor crest and once printed these forms shall not be changed or altered, in any way, by additional printing of any kind, except by adding the Realtor's name, address and phone number. For purpose of clarification of this section of the by-law, "printing" shall not be meant to include any written or typewritten alteration or addition to any standard form.

THE ETHICS COMMITTEE

117. The Ethics Committee shall consider and deal with the complaints relating to infringement of the by-laws, ethics, commission charges, fees, and deal with discipline of members as hereinafter provided in these by-laws.

THE ARBITRATION COMMITTEE

118. The Arbitration Committee shall adjudicate complaints arising from differences between members and commission disputes which are referred to it by the Directors in accordance with the procedure hereinafter set out in these by-laws.

THE PAST PRESIDENTS' COMMITTEE

119. The Past Presidents' of the Board shall constitute the Past Presidents' Committee.
120. The most recent Past President available to act shall convene the Committee within THIRTY (30) days after each annual election, when the committee shall elect its own Chairman.
121. The Directors may refer any matter to the committee for its consideration and advice and the committee may make recommendations to the Directors upon any matter in the interests of the Board.

THE SALESMEN'S COMMITTEE

122. (1) The salesman's committee shall be composed of all salesman members in good standing in the Board.
- (2) The salesman's committee within the 15 days immediately prior to the annual meeting of the Board, shall elect annually from amongst its members:
- (a) a Chairman and a Vice-Chairman;
 - (b) the voting salesman members in accordance with conditions set out in Section 8, Sub-sections (1) to (4) inclusive;
 - (c) two voting salesman members as Directors of the Board for a one year term in accordance with Section 67.
123. The Committee shall meet at least twice annually at the call of the Chairman, or in his absence, the Vice-Chairman.
124. The Committee shall deal with any matters of particular interest to the salesman members, subject always to the approval of the Board of Directors.

THE PHOTO LISTING COMMITTEE

125. The Photo Listing Committee shall consist of a Chairman, who must be a Voting Agent Member Director of the Board and SIX (6) other members, FOUR (4) of whom shall be Directors of the Board and the other TWO (2) shall be Voting Members chosen from the membership at large.

126. The Chairman and each individual member nominated to the Committee shall be appointed by the Board of Directors by a majority vote thereof.
127. The Photo Listing Committee shall conduct all business relating to the Photo Listing Service.
128. The Committee shall, from time to time, make rules and regulations for the conduct of a Photo Listing system, and prescribe forms and tariff schedules, which rules and regulations shall upon publication and distribution to the members be binding upon the members of the Board.
129. The existing forms, tariff schedules, rules and regulations presently used respecting the Photo Listing system are hereby adopted.
130. The Chairman shall report monthly to the Board of Directors concerning the operations of the affairs of the Photo Listing Service and shall make a report to the annual meeting.
131. In the absence of the Chairman of the Committee, the remaining Directors who are members of the Committee may appoint a Chairman pro-tem.
132. The Committee shall be permitted to make all the expenditures necessary for the administration of the system; provided, however, that any contract involving an expenditure over ONE THOUSAND (\$1,000.00) Dollars shall not be entered into or made, unless first approved by the Directors.

SPECIAL COMMITTEES

133. The President, with the approval of the Directors, may from time to time appoint special committees to perform special duties.

ETHICS COMMITTEE

134. The Ethics Committee shall consist of FIVE (5) or more members in the discretion of the Directors and one of the Directors shall be named as the Chairman of the Ethics Committee.
135. The Ethics Committee shall investigate disputes as between members, or as between members of the Board and non-members regarding matters of ethics, business conduct and complaints relating to infringement of by-laws, standards of business procedure, ethics, commission charges and fees and any other matter that may be referred to it by the Directors.
136. The Chairman of the Committee may assign any THREE (3) members to consider and deal with any complaint.
137. Where the Chairman has referred a matter for investigation to THREE (3) or more members of the Committee and the members after preliminary investigation consider the matter to be of a particularly serious nature, then the members shall report to the Chairman who may direct that the matter be dealt with by the entire Ethics Committee.
138. The Ethics Committee shall consider and deal with each matter referred to it as quickly as is reasonably possible.

139. The Ethics Committee in its discretion may obtain and consider evidence from parties and witnesses by any or all of the following means:
- (a) signed statements in writing which are not sworn;
 - (b) affidavits or statutory declarations;
 - (c) oral evidence which is not sworn; and
 - (d) oral evidence on oath or affirmation.
140. The Committee may request any person submitting evidence in writing to supply such number of copies as the Ethics Committee may designate.
141. In any case where the Ethics Committee decides to hear oral evidence each member concerning whom any complaint has been made shall be entitled to be present and to question any witness.
142. Unless the member whose conduct is complained of consents to lesser notice the Ethics Committee shall give at least FIVE (5) days notice in writing of the date, time and place of each sitting of the Committee to hear evidence, and each member whose conduct is complained of shall have a reasonable opportunity to attend if he so desires.
143. Where one member of the Board makes a complaint against another member of the Board, the Directors in their discretion may require the complainant to pay to the Board the sum of TWENTY-FIVE DOLLARS (\$25.00) before the Directors refer the matter to the Ethics Committee for investigation.
144. In such case if the Ethics Committee finds the complaint to be justified the Directors shall refund the sum of TWENTY-FIVE DOLLARS (\$25.00) to the complainant.
145. In the event that the complaint is found not to be justified by the Ethics Committee then the Directors in their discretion may either refund the Twenty-Five Dollars (\$25.00) to the complainant or may direct all or any part of the said sum to be credited to the general fund of the Board.
146. The Directors in their discretion and in the absence of any complaint from a member or other person may instruct the Ethics Committee to make such investigations of any member as the Directors deem necessary to ascertain whether there has been any breach of a by-law or of the Code of Ethics.
147. The Ethics Committee may call before it any member of the Board who shall produce such documents and records as may be requested by the Committee within a reasonable period of time to be determined by the Committee, and answer questions relating thereto.
148. If the Ethics Committee finds that the conduct of any member has given reasonable ground for complaint then the Ethics Committee shall recommend disciplinary measures to the Board, which measures may include that the member in question be reprimanded, be suspended, be directed to take corrective action, be ordered to pay a monetary assessment to the Board, be expelled, or be otherwise disciplined.

149. The findings and recommendations of the Ethics Committee shall be in writing and shall be signed by the members who investigated the matter.
150. The findings and recommendations of the Ethics Committee shall be forwarded to the Secretary who shall mail or deliver a copy thereof to each of the Directors and the same shall be considered and dealt with at the next ensuing meeting of the Directors.
151. The Directors shall consider the findings and recommendations of the Ethics Committee and may in their discretion:
- (a) hear and consider any representations the member whose conduct is complained of may desire to make;
 - (b) hear and consider representations from the Ethics Committee; and
 - (c) take such disciplinary measures as set out in Section 148 hereof as the Directors deem proper;
 - (d) authorize the Secretary to communicate the findings of the committee and the decision of the Directors to the complainant and to the member concerning whom the complaint was made.
152. Where the Directors deem it proper to do so they may instruct a member found guilty of a complaint by the Ethics Committee to take such remedial action as may be required to correct the matter of the complaint, or to bring about a satisfactory and fair settlement of the matter of the complaint, and may allow the member a reasonable period of time which may be fixed by the Directors to carry out the action recommended by them.
153. If the member satisfactorily carries out the instructions of the Directors to correct the matter of the complaint or to reach a satisfactory and fair settlement, then upon acceptance by the member of such other monetary assessments or disciplinary measures as the Directors in their discretion may impose, a member found guilty of the complaint may be continued as a member in good standing.
154. Members may if they wish be represented at the Committee hearing by another member in good standing but cannot be represented by anyone other than a member in good standing.

APPEAL

155. A member of the Board who has been suspended, expelled or otherwise disciplined by the Directors, has the right to appeal the decision of the Directors to a general meeting of the members of the Board but the decision of the Directors shall not be varied unless a majority vote by secret ballot of the voting agent members and voting salesman members present at a general meeting instructs the Directors to do so.

ARBITRATION COMMITTEE

156. The Arbitration Committee shall consist of FIVE (5) or more members in the discretion of the Directors, and ONE (1) of the voting agent member Directors shall be named as Chairman of the Committee.

157. No member of the Arbitration Committee shall serve as an arbitrator in any dispute if he has a personal or a financial interest in the dispute, or if he is the employer, the employee, or a business associate of any party to the dispute.
158. All commission disputes arising between members of the Board shall, unless otherwise directed by the Board of Directors, be settled by arbitration by the Arbitration Committee rather than by resorting to suit at law and the decision of the Arbitration Committee shall be final and binding upon all parties to the dispute.
159. Forthwith after the Directors refer any matter to the Arbitration Committee, the Secretary shall:
- (a) obtain from the member reporting the complaint and from the member concerning whom the complaint is made a "Consent to Arbitration" signed by each of the said members; and
 - (b) obtain from the complainant the sum of TWENTY-FIVE DOLLARS (\$25.00), and in no case shall the Arbitration Committee commence to act until all of the above requirements have been complied with.
160. If any member of the Board declines to sign the "Consent to Arbitration" the Directors may suspend or expel such member or take such other disciplinary action as the Directors may consider proper.
161. The "Consent to Arbitration" shall be in the form set out in Schedule III to these by-laws or in a similar form acceptable to the Directors.
162. The Arbitration Committee has jurisdiction and shall arbitrate complaints or differences between members only in cases where:
- (a) the matter has been referred to the Arbitration Committee by the Directors;
 - (b) all members who are parties to the arbitration have signed the form of "Consent to Arbitration" agreeing:
 - (i) to abide by the findings of the Arbitration Committee; and
 - (ii) not to have recourse to any other tribunal; and
 - (iii) to pay all costs of the arbitration proceedings in accordance with the award of the Arbitration Committee.
163. The Arbitration Committee shall consider and deal with the dispute as quickly as is reasonably possible.
164. The Arbitration Committee in its discretion may obtain and consider evidence from parties and witnesses by any or all of the following means:
- (a) signed statements in writing which are not sworn;
 - (b) affidavits or statutory declarations;
 - (c) oral evidence which is not sworn;
 - (d) oral evidence on oath or affirmation.
165. Any party submitting evidence in writing should supply such number of copies as the Arbitration Committee may designate.

166. In any case where the Arbitration Committee decides to hear oral evidence, all members who are party to the arbitration shall be entitled to be present, give evidence, and to question any witness. In the case of a hearing in the Arbitration Committee, a member may be respresented, but only by another member in good standing.
167. Unless the parties consent to lesser notice, the Arbitration Committee shall give at least FIVE (5) days notice in writing by double-registered mail of the date, time and place of each sitting of the Committee to hear evidence. Provided written notice as aforesaid has been given to the parties to the arbitration, it shall be the duty of the participants to the arbitration to appear in person at the arbitration hearing at the time set for the said hearing. In the event that the complainant or the defendant, as the case may be, fails to appear at the time set for the hearing, or fails to notify the Secretary in advance of the hearing of a bona fide reason for his inability to attend, the Arbitration Committee may, in its discretion, rule against the said party by default.
168. The parties to the arbitration and their witnesses shall submit to examination on oath or affirmation in relation to the matters in dispute if the Arbitrators in their discretion so require subject to any valid legal objection, and shall produce before the Arbitrators all books, deeds, papers, accounts, writings and documents within their possession or power respectively, which may be required or called for, and do all other things in relation to the matters in dispute that the Arbitrators may require.
169. The Arbitration Committee is not bound to observe the legal rules of evidence but shall endeavor to resolve the dispute with fairness, justice and equity according to established standards of practice and ethics in the real estate business and the award of the Committee shall not be challenged for failure to conform to judicial formalities and strict rules of law.
170. The decision of the Arbitration Committee shall be in writing and be signed by the members of the Committee.
171. The Arbitration Committee shall forward its decision to the Secretary of the Board as soon as reasonably possible and in any event not more than SEVEN (7) days after the decision is made.
172. The Secretary of the Board shall forward forthwith to each member who is a party to the arbitration, a copy of the decision bearing the seal of the Board and the signature of the Secretary.
173. If the complainant is successful his TWENTY-FIVE DOLLARS (\$25.00) shall be refunded to him and if unsuccessful, the Board may retain all or any part of the said sum of TWENTY-FIVE DOLLARS (\$25.00) on account of costs which the complainant has been ordered to pay by the Arbitration Committee.
174. If the amount of the costs awarded by the Arbitration Committee exceed TWENTY-FIVE DOLLARS (\$25.00) the balance due may be assessed against the complainant and collected as a debt due to the Board in the same manner as fees, dues or any other assessment.

175. The proceedings of the Arbitration Committee shall be recorded in a book kept for the purpose in which it shall be entered:
- (a) a summary of each dispute;
 - (b) the decision of the Arbitration Committee.
176. The Arbitration Committee shall include in the record books the grounds for its decision.
177. In the event that anything arises during the course of the arbitration which is not provided for in these by-laws, then the provisions of the Arbitration Act, being Chapter III of the Revised Statutes of Alberta 1942, as amended shall apply insofar as they apply or can be made applicable, the necessary modifications being made.
178. If any member in good standing takes objection to the decision of the Arbitration Committee he must, within TEN (10) days from date of receiving the decision of the Arbitration Committee, which decision must be sent by double-registered mail, request that the Committee's file and written decision be reviewed by the Board of Directors and the Board of Directors on a majority vote of two-thirds (2/3) of those present may in their discretion refer the decision back to the Arbitration Committee for review.

COMPLAINTS

179. Each member of the Board shall report in writing to the Secretary any breach of these by-laws or the Code of Ethics or other business conduct of any member of the Board tending to discredit the Board or the real estate business.
180. The Secretary shall forthwith acknowledge receipt of the complaint by letter addressed to the complainant.
181. The Secretary of the Board shall notify the Directors of each complaint as soon as reasonably possible, and at the direction of the Directors notify the member concerning whom the complaint is filed by a notice in writing of the nature of the complaint.
182. The member concerning whom the complaint is filed shall forward to the Secretary of the Board an answer in writing in reply to the matter complained of or otherwise appear in person before the Board of Directors.
183. The Secretary of the Board shall notify the Directors at the first reasonable opportunity of any answer so received.
184. The Directors shall carefully consider all reports of complaints and the answers thereto, if any, and may:
- (a) dispose of the matter in their discretion if further consideration or investigation does not appear to be warranted; or
 - (b) refer the matter to the Ethics Committee for an investigation and recommendations; or
 - (c) instruct the Secretary to refer the matter to the Arbitration Committee if the issue is a commission dispute between members or some similar issue which lends itself to arbitration.
 - (d) report any law infraction to the Commissioner of Real Estate.

DIVISIONS OF THE BOARD

185. The Directors in their discretion may create divisions of the Board corresponding to different branches of the real estate business in order to give members who specialize in such branches an opportunity for consideration and discussion of common problems.

FISCAL YEAR

186. The fiscal year of the Board shall correspond to the calendar year.

RULES OF ORDER

187. Roberts' Rules of Order shall be observed and followed for procedures governing meetings of the Board, the Directors and standing and special committees except where the same conflicts with these by-laws, in which case these by-laws shall prevail.

CODE OF ETHICS

188. All members shall conform to and observe the Code of Ethics and Standards of Business Conduct as set out in Schedule IV to these by-laws, which Code is deemed to be part of these by-laws.

AMENDMENTS

189. These by-laws shall not be rescinded, altered or added to except by extraordinary resolution of the Board.
190. The Secretary shall give at least TEN (10) clear days' notice by mail specifying the date, time and place of the general meeting at which the extraordinary resolution will be proposed and specifying the intention to propose the resolution as an extraordinary resolution.
191. An extraordinary resolution shall be passed by a majority of not less than three-fourths (3/4ths) of such members entitled to vote as are present at the meeting and vote thereat.

MEETINGS AND QUORUMS

192. The annual meeting of the Board shall be held in January in each year, the date, place and hour to be fixed by the Directors and notified to the members by the Secretary.
193. The accounts of the Board shall be audited annually in advance of each annual meeting by the firm of Chartered Accountants appointed at the immediately preceding annual meeting.
194. Monthly meetings of the Board shall be held in each month at a date, place and hour as the Directors may determine, but no monthly meetings need be held during the months of July and August.
195. Special meetings of the Board may be called by resolution of the Directors and shall be called by the President within FIFTEEN (15) days upon the written request:

- (a) of two or more Directors; or
- (b) of TEN (10) members of the Board.

196. The Secretary shall mail at least TEN (10) clear days' notice of each meeting of the Board to each member, addressed to the address of that member as shown by the books of the Board, except in the case of a special meeting or a meeting at which an extraordinary resolution is to be proposed in which case the Secretary shall give FIFTEEN (15) days' notice to each member.
197. The order of business at Board meetings when not altered by the President shall be as follows:
- (a) reading and approving the Minutes of the preceding meeting;
 - (b) reports of standing committees;
 - (c) reports of special committees;
 - (d) Notices of Motion;
 - (e) unfinished business;
 - (f) general business and new business.
198. (1) The President or the Directors may determine the time and place for any meeting of the Board.
- (2) A quorum for a meeting of the Board shall consist of TWENTY PERCENT (20%) of members having full voting privileges.
- (3) In the case of a Directors meeting, SEVEN directors present shall constitute a quorum.
199. Voting on all matters, unless otherwise specifically provided shall be by a show of hands unless a vote by ballot is called for by TWO (2) or more members.
200. (1) Voting by proxy is not permitted at meetings of the Board or of the Directors of any committees.
- (2) A voting Agent Member in good standing shall have one vote only at any general or annual meeting.
- (3) This vote may be cast by the named Representative of the voting Agent member, or in his absence, by one other duly appointed Alternative who shall be a Member of the Board and an employee of the Voting Agent member.
- (4) Notice of the appointment of an Alternative shall be in writing and filed with the Board at least TEN (10) days before the Alternative may exercise voting privileges.
- (5) Notice of termination of Alternative Voting privileges shall be in writing and filed with the Board.

PRIVILEGES AND OBLIGATIONS

201. A Voting Agent member shall not employ a real estate salesman except for a trial period not exceeding TWO MONTHS, unless the salesman
- (a) has had at least SIX months prior experience as a real estate salesman, or
 - (b) has attended all classes of the first available course of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited, Educational Training and Guidance Course, or:

- (c) obtains from the Directors an exemption in writing from the requirements of this section.
- (d) No member shall employ as a salesman, any person who does not devote his or her full time and effort to the listing and sale of real estate as a Real Estate Salesman.

202. No member of the Board shall publish any Classified Advertising which does not comply with all of the following limitations, namely:

- (a) HEADINGS - Limited to ONE line only. Maximum type size 14 pt.caps.
- (b) SUB-HEADINGS - Limited to TWO lines only, with a maximum type size - 10 pt. caps.
- (c) BODY OF AD
 - (i) Limited to SIX point caps with NO WHITE SPACE.
 - (ii) Indentation at side of ad - UNRESTRICTED.
- (d) SIGNATURE
 - (i) FIRM NAME limited to TWO LINES only with a maximum type size - 14 pt. caps.
 - (ii) Office address, telephone numbers, salesman's names etc.; limited to a maximum type size of 6 pt. caps.
- (e) ONE SIX POINT WHITE SPACE ONLY TO BE ALLOWED BETWEEN:
 - (i) Headings or Sub-Headings
 - (ii) Sub-Headings and Body of Ad.
 - (iii) Ad and Signature
 - (iv) Signature and Office address etc.

203. A member shall report to the Board office the employment and termination of employment of all salesmen on the forms prescribed from time to time by the Board of Directors.

204. The Directors in their discretion may terminate the membership of any person as a result of changes in control or ownership of the business of that member.

205. The members of the Board shall pledge themselves to aid in the enforcement of its by-laws including the Code of Ethics, standards of business practice, and the scale of commissions and fees and shall do all in their power to further the aims and objects of the Board.

206. Any member having been expelled for any cause shall be eligible for membership only in the manner prescribed for new members and after such waiting period as the Directors may fix in each particular case, or as heretofore provided.

207. The firm, partnership or corporation with which a member is associated in the real estate business shall be deemed to be subject to the by-laws of the Board.
208. Any violation of the by-laws of the Board by the firm, partnership or corporation or any of its members or employees shall be deemed to be violation on the part of the member or members representing such firm, partnership or corporation on the Board and the member or members shall be responsible for the actions of their firm, partnership or corporation unless he or they are able to show to the satisfaction of the Directors that the violation was without his or their knowledge or consent.
209. In the event of winding up or dissolution of the Board distribution of the assets of the Board shall be made to some Charitable Association designated at a special meeting called for that purpose.

COMMISSION SCHEDULE

210. Members of the Board shall use the Commission Schedule of the Alberta Real Estate Association as set out in Schedule V as from time to time amended, which is deemed to be part of these by-laws.
211. Schedule of commission on Co-Operative sales shall be as set out in Schedule VI to these by-laws, which is deemed to be part of these by-laws.

MISCELLANEOUS

212. No part of the income of the Board shall be payable to or otherwise available for the personal benefit of any member of the Board.
213. The operations of the Board are to be chiefly carried on in Edmonton, Jasper Place, Beverly and the surrounding territory constituting the Greater Edmonton Area.
214. The Board shall be a member of the Canadian Association of Real Estate Boards and of the Alberta Real Estate Association. By virtue of such membership, all of its members shall also be members of these Associations.

SCHEDULE I

COVENANTS, UNDERTAKINGS AND WAIVER OF CLAIMS
By Applicant for Membership

To the Edmonton Real Estate Board Co-Operative Listing Bureau Limited:

1. I acknowledge that I have read and thoroughly understand the Objects, the By-laws, and the Code of Ethics of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited and in particular the procedure for complaints, discipline and arbitration of disputes, and I thoroughly understand the same.
2. In consideration of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited considering my application for membership or admitting me to membership in the Board I hereby irrevocably covenant, undertake and agree:
 - (a) to observe the By-laws, the Code of Ethics, and the Schedule of Commissions and Fees of the Board as they may be established or amended from time to time
 - (b) where there is a dispute between a member of the Board with another or other members of the Board, over commissions or other matters, these members should first try to settle their dispute favorably between one another. If they are not able to do so, then the member who is the complainant should refer the dispute to the Arbitration Committee for arbitration.
 - (c) to abide by the findings of the Arbitration Committee and not to have recourse to any other tribunal;
 - (d) to pay all costs of arbitration proceedings that I may be directed by the Arbitration Committee to pay;
 - (e) that the discipline procedure set out in the by-laws may be applied against me if I fail to observe any provision of the by-laws or the Code of Ethics;
 - (f) that the directors may suspend or expel me from membership or make a monetary assessment against me or otherwise discipline me in accordance with the by-laws if they find I have violated any provisions of the by-laws or the Code of Ethics;
 - (g) to pay each monetary assessment levied against me by the directors, and that the Board may recover the same as a debt due to the Board;
 - (h) that I hereby waive, release and forever discharge the Edmonton Real Estate Board Co-Operative Listing Bureau Limited, its directors, officers, members, servants and agents from all claims, suits, actions, causes of action and demands of whatsoever nature arising directly or indirectly in connection with my application for membership or my membership in the Board or any arbitration or discipline procedure that may be taken or purport to be taken pursuant to the by-laws of the Board that affect me or my business, or in connection with any other act done by or on behalf of or relating to the business of the Board.

IN WITNESS WHEREOF I have hereunto set my hand and seal this _____

day of _____, A.D. 19_____

Signature of Applicant

Witness

SCHEDULE II

ADDITIONAL COVENANTS BY
APPLICANT FOR
VOTING AGENT MEMBERSHIP

TO THE EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED:

In consideration of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited considering my application for membership or admitting me to Voting Agent Membership in the Board, I covenant and agree:

- (a) that I . . . maintain and will continue to maintain all necessary records and the real estate trust account required by the Real Estate Agents' Licensing Act;
- (b) that I will terminate the employment of any salesman I employ who declines to apply for membership in the Board, as set out in these by-laws, or whose application for membership is rejected, or who is suspended or expelled from membership by the Board.
- (c) that I will maintain at all times an office that meets with the approval of the Commissioner of Real Estate;
- (d) that the said office will be so situated that the Public will have direct access thereto at all times during ordinary business hours;
- (e) that I will have at least one desk and telephone for my personal use and one desk for each salesman that I employ, together with at least one telephone or extension thereof for every two salesmen employed;
- (f) that I will provide proper filing facilities for the filing and recording of the transactions of my firm;
- (g) that I now have an office that meets with the above requirements located at _____;
- (h) that I am not now a member, shareholder, director or officer and will not become a member, shareholder, director or officer of any other Multiple Listing Bureau in opposition to the Edmonton Real Estate Board Co-Operative Listing Bureau Limited during the term of my membership in this Board.

IN WITNESS THEREOF I have hereunto set my hand and seal the _____ day of

_____, A.D. 19____.

SIGNATURE OF APPLICANT

WITNESS

SCHEDULE III

EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED

CONSENT TO ARBITRATION

The undersigned, being a member of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited, hereby agrees that the matter in issue between the undersigned and _____ be referred by the Directors to the Arbitration Committee in accordance with the Constitution and By-Laws of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited, and, pursuant thereto, the undersigned agrees:

- (a) to abide by the findings of the Arbitration Committee;
- (b) not to have recourse to any other tribunal;
- (c) to pay all costs of the arbitration proceedings in accordance with the award of the Arbitration Committee.

IN WITNESS WHEREOF I have hereunto set my hand and seal the _____ day of

_____, A.D. 19____.

Signature

Witness

SCHEDULE IV

CODE OF ETHICS

AS PER CANADIAN ASSOCIATION OF REAL ESTATE BOARD

PART I

PROFESSIONAL RELATIONS

ARTICLE 1. In the best interest of Society, of his associates, and of his own business, the Realtor should be loyal to the real estate board of his community and active in its work; and he should willingly share with his fellow-members the lessons of his experience.

ARTICLE 2. The Realtor should so conduct his business as to avoid controversies with his fellow-Realtors; but in the event of a controversy between Realtors who are members of the same real estate board, such controversy should be submitted for arbitration in accordance with the regulations of their board and not to a suit at law and the decision in such arbitrations should be accepted as final and binding.

ARTICLE 3. Controversies between Realtors who are not members of the same real estate board should be submitted for arbitration to an arbitration board consisting of one arbitrator chosen by each Realtor from a real estate board to which he belongs and of one other member, or a sufficient number of members to make an odd number, selected by the arbitrators thus chosen.

ARTICLE 4. When a Realtor is charged with unethical practice, he should voluntarily place all pertinent facts before the proper tribunal of the real estate board of which he is a member, for investigation and judgment.

ARTICLE 5. A Realtor should never publicly criticize a competitor; he should never express an opinion of a competitor's transaction unless requested to do so by one of the principals, and his opinion then should be rendered in accordance with strict professional courtesy and integrity.

ARTICLE 6. A Realtor should never seek information about a competitor's transaction to use for the purpose of closing the transaction himself or diverting the customer to another property.

ARTICLE 7. When a Realtor accepts a listing from another broker, the agency of the broker who offers the listing should be respected until it has expired and the property has come to the attention of the accepting Realtor from a different source, or until the owner, without solicitation, offers to list with the accepting Realtor; furthermore, such listing should not be passed on to a third broker without the consent of the listing broker.

ARTICLE 8. Negotiations concerning property which is listed with one Realtor exclusively should be carried on with the listing broker, not with the owner.

ARTICLE 9. The schedules of fees established by the various real estate boards are believed to represent fair compensation for services rendered in their communities and should be observed by every Realtor.

ARTICLE 10. A Realtor should not solicit the services of any employee in the organization of a fellow-Realtor without the knowledge of the employer.

ARTICLE 11. No sign should ever be placed on any property by a Realtor without the consent of the owner.

PART II

RELATIONS TO CLIENTS

ARTICLE 12. In justice to those who place their interests in his hands, the Realtor should endeavour always to be informed regarding the law, proposed legislation, and other essential facts and public policies which affect those interests.

ARTICLE 13. In accepting the agency for any property, the Realtor pledges himself to be fair to purchaser or tenant, as well as to the owner whom he represents and whose interests he should protect and promote as he would his own.

ARTICLE 14. A Realtor should not buy for himself property listed with him, nor should he acquire any interest therein, without first making his true position clearly known to the listing owner.

ARTICLE 15. When asked for an appraisal of real property or an opinion on a real estate problem, the Realtor should never give an unconsidered answer; his counsel constitutes a professional service which he should render in writing over his signature and only after having ascertained and weighed the facts, for which he should make a fair charge. The Realtor should not undertake to give an appraisal on any property in which he is in any way interested whatsoever, unless such interest is specially disclosed in the appraisal report, and under no circumstances should he undertake to give an appraisal or opinion when his employment is contingent upon the amount of his appraisal or the character of his opinion.

ARTICLE 16. The Realtor should encourage the naming of the actual or an obviously nominal consideration in a deed.

ARTICLE 17. When acting as agent in the management of property, a Realtor should not accept any commission, rebate, or profit on expenditures made for the owner, without his full knowledge and consent.

ARTICLE 18. The exclusive listing of property should be urged and practiced by a Realtor as a means of eliminating misunderstanding and dissensions and assuring better service to the owner.

ARTICLE 19. The acceptance by a Realtor of an exclusive listing imposes the obligation of rendering skilled and conscientious service; when a Realtor is unable to render such services either himself or with the aid of his fellow-Realtors, he should not accept the listing.

ARTICLE 20. Before offering a property listed with him by the owner, it is the Realtor's duty to advise the owner honestly and intelligently regarding its fair market value.

PART III

RELATION TO CUSTOMERS AND THE PUBLIC

ARTICLE 21. It is the duty of every Realtor to protect the public against fraud, misrepresentation or unethical practices in connection with real estate transactions.

ARTICLE 22. Property should be offered by a Realtor solely on its merits without exaggeration, concealment, or any form of deception or misleading representation.

ARTICLE 23. It is the duty of a Realtor to ascertain all pertinent facts concerning every property for which he accepts the agency, so that in offering the property he may avoid error, exaggeration and misrepresentation.

ARTICLE 24. A Realtor should never offer a property without the authorization of the owner.

ARTICLE 25. The price at which a Realtor offers a property should not be higher than that which the owner has openly agreed to take.

ARTICLE 26. Before a Realtor buys for a client property in the ownership of which the Realtor has an interest he should disclose his interest to all parties to the transaction.

ARTICLE 27. Before a Realtor sells property in the ownership of which he is interested, he should make it clear to the purchaser that he is acting solely for the owner.

ARTICLE 28. A Realtor when acting as a broker should make it clear for which party he is acting and he should not receive compensation from more than one party except with the full knowledge and consent of all parties to the transaction.

ARTICLE 29. Under no circumstances should a Realtor permit any property in his charge to be used for illegal or immoral purposes.

ARTICLE 30. In closing transactions, the Realtor should advise the use of legal counsel when the interest of any party to the transaction appears to require it; and in all cases he should exercise care in the preparation of documents so that they shall embody the exact agreements reached.

ARTICLE 31. At the time the agreement is reached as to the terms of a transaction the Realtor should fully inform each party regarding commissions and other expenses to which each is respectively liable.

ARTICLE 32. Before the closing of a transaction, the Realtor should recommend the examination of title and conveyancing papers.

ARTICLE 33. All contracts and agreements to which a Realtor is a party should be made in writing and should be complete and exact.

ARTICLE 34. A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy whose presence will clearly be detrimental to property values in that neighborhood.

ARTICLE 35. No instructions nor inducements from any client or customer relieves the Realtor from his responsibility strictly to observe this Code of Ethics.

SCHEDULE NO. V

COMMISSION SCHEDULE of
THE ALBERTA REAL ESTATE
ASSOCIATION

1. IMPROVED URBAN RESIDENTIAL PROPERTY:

On all sales not less than 5% of the total purchase price up to \$100,000.00 and not less than 3% on balance of the purchase price, with a minimum commission of \$100.00.

2. SUBURBAN OR URBAN IMPROVED SUBDIVISIONS:

The foregoing schedules do not apply to subdivisions, nor to property owned by a municipal corporation, nor to twenty-five or more lots or parcels in private ownership. In all cases where the above mentioned properties are listed on an exclusive basis the charge is to be a matter of contract and must meet with the approval of the local Real Estate Boards.

3. IMPROVED AND UNIMPROVED BUSINESS, FACTORY OR INDUSTRIAL PROPERTY

On all sales not less than 5% of the total purchase price up to \$100,000.00 and not less than 3% on balance of the purchase price, with a minimum commission of \$100.00.

4. UNIMPROVED URBAN PROPERTY:

5% with a minimum charge of \$100.00.

5. IMPROVED AND UNIMPROVED ACREAGE, LOTS OUTSIDE URBAN LIMITS AND RESORT PROPERTY:

On all sales not less than 10%, minimum charge of \$100.00.

6. FARM AND RANCH LANDS (Parcels containing 140 acres or more):

Where the price per acre is less than \$250.00 and the total amount of the sale is less than \$10,000.00 a commission of not less than 7% shall be charged. A commission of not less than 5% shall be charged on the balance from \$10,000.00 to \$100,000.00 and not less than 3% on the balance over \$100,000.00. The minimum charge shall be \$250.00. Farms in excess of \$250.00 per acre shall be subject to the same commission schedule as set forth in paragraph 3.

7. ON THE SALE OF STOCKS OF MERCHANDISE, FIXTURES, EQUIPMENT, CHATTELS AND GOODWILL TOGETHER WITH OR WITHOUT THE LAND AND BUILDINGS THEREIN.

Where the total price is less than \$20,000.00 a commission of 7% shall be charged. A commission of 5% shall be charged on the balance from \$20,000.00 to \$100,000.00 and 3% on the balance over \$100,000.00. The minimum charge shall be \$250.00.

8. EXCHANGES:

In cases of exchanges of property, the full commission on both of the two properties shall be charged, said commission to be paid by both parties in proportion to the value of the respective properties exchanged.

8. EXCHANGES: (Cont'd)

It should be clearly recognized that full commission can only be charged on both properties when both properties are actually listed under a signed listing, either general or exclusive. If there is no signed listing on one of the properties, then commission can only be collected on that property if the owner thereof voluntarily agrees to paying commission thereon.

9. LOANS:

On all private loans not less than 2% with a minimum of \$25.00 plus conveyancing and inspection fee.

10. LEASES - NON RESIDENTIAL:

(a) Commercial Property (Stores, Business Space, Office Space, Warehouse Space):

On leases not less than 5% of the first 5 years rent, and not less than 2% of the gross amount of rent to be paid in subsequent years with not less than 2% of the gross amount of rent to be paid in subsequent years with not less than 2% of the gross amount to be paid on any renewal of any original lease, plus an additional charge for special services rendered.

All commissions (except in the case of ground leases) shall be figured upon the basis of the gross rent agreed upon by the Lessor and the Lessee and shall be due and payable at the time of the execution of the lease.

The total rent shall include the Real Estate Taxes to be paid by the lessee with the commission computation to be based on the current year's taxes multiplied by the number of years of the lease. The minimum charge for negotiation of any lease, except as otherwise stated in this section, shall be \$25.00.

(b) Hay:

Not less than 10% of the consideration, with a minimum charge of \$10.00.

(c) Farms:

Not less than 5% of each year's rental, with a minimum charge of \$50.00.

(d) Ground:

Terms of 15 years or less on total rent covered by lease, not less than 3%. Where property is subject to a re-appraisal during the life of lease, charge to be computed for full term on basis of the average annual rental for the first five years.

Ground leases exceeding 15 years, on the appraised rental value of property at date of making lease, not less than 2%

If more than one appraisal is mentioned in the lease, then the percentage is to be figured on an average of the appraised value specified.

(c) Option for Renewal:

In every case where a tenant has privilege for renewal expressed in the lease, it is to be understood that the owner of the property shall pay commission for said renewal at the same rate as though the lease when first written, had covered the whole term. The commission is to be paid at the time of the renewal.

11. LEASES - RESIDENTIAL:

(a) Leases and Rentals of Residential Property (Where rental is not collected by agent):

For a monthly tenant where the rental is up to and including \$50.00, minimum charge \$15.00.

For a monthly tenant where the rental is over \$50.00 but not more than \$75.00, minimum charge \$25.00.

For a monthly tenant where the rental is over \$75.00, minimum charge \$35.00³/₄

It is also provided that, where the property is leased, 5% of the gross amount of the Lease shall be charged, plus conveyancing fees.

(b) For Negotiating and Making Leases Where Rents are Collected by Agent:

For negotiating and making leases on residential property and for the renewal of old leases, in addition to the amount expended for advertising, the charges shall be in accord with the circumstances and services rendered, the minimum charge to be \$15.00.

SPECIAL NOTE:

OPTION TO PURCHASE

Where the lease contains a provision granting the lessee an option to purchase the property demised, whether or not the purchase is made on the precise terms stated in the lease, the owner shall pay the agent who negotiated the lease the regular commission on the purchase price as set forth in Section 3 less any unearned leasing commission which may have been received.

(c) Collection of Rents - All Types of Property:

Not less than 5% on rents collected with a minimum charge of \$1.00 per month, except business and apartment blocks with an annual rental exceeding \$25,000.00 which may be specifically rated. Where property is turned over to an agent on which the rent is in arrears a charge of 10% shall be made on the amount of the arrears when the property is handed over.

In addition to the above charges, the fees for the supervision of repairs and on disbursements shall be fixed by each individual agent according to the services rendered.

12. COLLECTION OF AGREEMENTS AND MORTGAGES:

Not less than \$1.00 per payment or more than 5% shall be charged.

13. COLLECTION OF GENERAL ACCOUNTS:

Not less than 5% on all amounts collected, provided, however, that in special cases of collections of principal on agreements or mortgages, where no book accounts are kept it shall be a matter for special arrangement in each case.

14. APPRAISALS:

(a) The fees for appraisals on RESIDENTIAL PROPERTY, suburban acreage and residential lots shall not be less than as follows:

On amounts up to \$5,000.00.....	\$25.00
From \$5,000.00 to \$10,000.00.....	30.00
From \$10,000.00 to \$15,000.00.....	40.00
From \$15,000.00 to \$25,000.00.....	50.00

On amounts from \$25,000.00 to \$100,000.00 an additional \$1.00 per thousand with a further charge of 50¢ per thousand on amounts over \$100,000.00.

This does not prevent any member from making an extra charge for special work.

These rates are not obligatory in cases where valuations are made for Trust or Loan Companies for the purpose of Arranging a Mortgage Loan.

(b) The fees for appraisal of COMMERCIAL AND INDUSTRIAL PROPERTY of all types shall not be less than as follows:

On amounts up to \$5,000.00.....	\$35.00
From \$5,000.00 to \$10,000.00.....	50.00
From \$10,000.00 to \$15,000.00.....	70.00
From \$15,000.00 to \$25,000.00.....	85.00

On amounts over \$25,000.00 an additional \$1.00 per \$1,000.00.

An additional charge should be made for detailed written reports and additional charges for special work, mileage expenses, etc.

In connection with large commercial properties, the charge is to be based on the amount of time and effort required to make the appraisal.

The above mentioned rates are suggested minimums and are designed to be used only as a guide with the charge to be based more closely on the actual work and time involved in making an appraisal.

15. SALE OF AGREEMENTS FOR SALE AND PURCHASE OF MORTGAGES:

A rate of not less than 5% commission shall be charged on any amounts from \$500.00 upwards, and the minimum charge on any sale shall be \$25.00.

16. EXPERT TESTIMONY AND OPINIONS:

Charges for expert testimony and for opinions shall be made according to the extent of services rendered, but shall in no case be less than \$50.00 for each day or part thereof, but this shall not apply to Assessment Appeals, the charge for which shall be made subject to special arrangements. This charge is to be made whether spent in Court, private hearing, investigations or research.

In case expert testimony or an opinion involves a valuation, appraisal fees as in the appraisal section should be charged, in addition.

17. OPTIONS TO BUY PROPERTY WHERE SECURED BY A BROKER:

(a) If a consideration, cash or otherwise, has been paid for an option arranged by a broker for a vendor, and the option is not exercised, the broker shall charge the principal granting the option not less than one-half of the consideration received, but in no event shall this amount exceed the sale commission to which the broker would have been entitled had the option been exercised.

(b) If a broker is engaged by a prospective purchaser to secure options, an agreement shall be made with the purchaser that in the event of the option not being exercised the broker shall be reimbursed for his services on the basis of not less than 1% of the total sale price involved in the option. In all cases where the option is exercised the commission as set forth in paragraph three shall apply. This does not prevent anyone from making a charge for special services rendered.

SCHEDULE VI

CO-OP. RULES AND REGULATIONS

1. Listings:

The Listing Broker must:

(a) Secure a Co-Operative Listing Contract, in triplicate, on the authorized form, signed by the Owner and Spouse, for a minimum period of 45 days. The Bureau shall not accept a listing unless same has been signed by the Registered Owner or Owners or Owner or Owners under Agreement for Sale.

(Notice)

(b) Within TWENTY-FOUR (24) hours (Sundays and holidays excepted) of the Listing Broker's receipt of such signed listing, one copy of each listing must be received by the Bureau office. Such listing must give all data available and as full and accurate a description of the property as possible with any additional information on the property to be forwarded as soon as procurable. The date and hour signed to be shown on the listing.

(c) The Listing Broker must give immediate notice by telephone, confirmed in writing within TWENTY-FOUR (24) hours, of any change in price, terms, conditions, or application for cancellation of any listing, on the prescribed forms.

(d) When a Member Salesman take a co-op listing he is duty bound to inform the Listing Owner that should there be a general listing in force on his property that the Co-Op Listing takes precedence over the general listing or listings and that the Firms holding general listings should be advised accordingly by the Vendor.

(e) The Bureau will, forthwith, upon receipt of a Co-Operative Listing write a letter of appreciation on the Bureau's letterhead, to the person or persons listing their property for sale, which letter will include a list of the names of the Members of the Bureau.

(Listing Fee)

(f) The Listing Broker shall pay \$2.00 for each listing when filed with the Bureau.

(Renewals)

(g) If a listing is renewed by the original Listing Broker and the Listing Broker notifies the Bureau two days before the listing expires, the listing may be extended for any length of time without charge (otherwise a charge of \$2.00 will be made.)

(h) If re-listed with the Bureau by another Bureau Member it shall be considered a new listing with the minimum term of 45 days with the regular charge of \$2.00 to apply.

(Cancellation)

(i) No Co-Operative Listing can be cancelled before expiry date unless cancellation is recommended by the Listing Broker and approved by a majority vote of the Board of Directors present at any Board meeting.

(j) Before a cancellation application will be considered by the Board of Directors, the prescribed Application Form must be signed by the Owner or Owners of the property on which the request for cancellation has been made, which form requires that "The said property will not be sold for a period of NINETY (90) days from the signing hereof, and if it is sold, or an offer for sale is accepted by me/us during the said period, I/we agree to pay you the full sales commission as provided in the listing

signed by me/us.

2. Sales:

(Split)

(a) Commission shall be charged at the rate of 7% of the sale price up to \$50,000.00. On sales exceeding a total sale price of \$50,000.00, any amount over and above \$50,000.00 shall be liable to commission at the rate of 5%.

2 $\frac{1}{2}$ % to Listing Broker
4% to Selling Broker
 $\frac{1}{2}$ % to the Bureau

On that portion exceeding \$50,000.00 and liable to 5%, the commission shall be divided as follows:

1 $\frac{3}{4}$ % to Listing Broker
3% to Selling Broker
 $\frac{1}{4}$ % to the Bureau

(non-Members)

(b) Members of the Bureau shall be allowed to work with any Licensed Real Estate Agent on the sale of properties Listed with the Bureau provided the transaction is handled by the Member Agent and that the commission payable to the Non-Member be not more than 2 $\frac{1}{2}$ %.

(c) In the event of a property listed with the Bureau being sold by a Non-Member Agent or by the Listing Owner direct during the currency of the listing, the Listing Broker, nevertheless, shall be responsible to the Bureau for its share of commission, provided always that the Board of Directors may, at their discretion, waive such responsibility.

APPOINTMENTS:

(d) All appointments SHALL be made without undue delay by the Listing Broker, except where otherwise indicated.

(e) Cancellation of appointments - when a Sub-Broker is unable to keep an appointment, he shall advise the Listing Broker, if unable to contact him, he shall advise the Owner or Tenant immediately.

SUBMISSION OF
OFFERS:

(f) Offers to Purchase shall be submitted through the Listing Broker in all cases where instructions so to do are clearly set forth in the copy of the listing when forwarded to the Bureau.

(g) When no specific instructions are contained in the listing, it shall be in order for a Selling Broker or his Salesman to submit an offer directly to an Owner, PROVIDED ALWAYS that the Listing Broker is informed IMMEDIATELY of offers presented and the terms thereof.

(h) A Broker shall without delay submit ALL written Offers to Purchase, supported by a deposit, to the Vendor. In the event that two or more IDENTICAL offers are received, the Broker concerned shall submit same to the Vendor in the order in which the offers are received.

(i) Under no circumstances may the terms of one offer, which is under consideration, be disclosed as a means of obtaining a better offer from someone else. The Broker concerned shall not disclose these terms to any one other than the Owner, including other Brokers, his own Salesman or their prospects. AN OFFER TO PURCHASE IS A CONFIDENTIAL DOCUMENT AND SHOULD BE SO TREATED.

(Deposits):

(j) The full deposit shall be turned over to the Listing Broker with the Offer to Purchase unless otherwise mutually agreed upon between the Selling Broker and the Listing Broker. Deposits should be at least 10% of the sale price. All cheques should be certified as soon as possible.

(k) The documents shall be prepared at the direction of the Listing Broker unless otherwise mutually agreed between Listing and Selling Broker.

(Notice of Sale)

(l) Notice of sale must be given by telephone by the Listing Broker to the Bureau at the earliest possible moment, followed in writing within 24 hours on the prescribed form (Sundays and holidays excepted).

(m) In all cases of an offer being received by a selling Broker he will, without delay, and not later than 48 hours after acceptance, submit to the Listing Broker an exact copy, typewritten, of the Interim Agreement, including all subject to "clauses and expiry date, etc."

7. Advertising:

(Signs)

(a) The Listing Broker shall have the exclusive right to all advertising of the property. The Listing Broker may authorize other Members to advertise a property.

(b) In respect to the placing of signs on properties listed with the Bureau, the Listing Broker only shall be permitted to place his "For Sale" sign on a property. That the listing broker only be permitted to place his "Sold Sign" on a property sold through the Edmonton Real Estate Board Co-operative Listing Bureau Limited.

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Ex. 1

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(b) Any member in good standing shall be eligible to be elected a Director of the Association, unless the Supplemental By-Laws require that certain business requirements be met as provided in Section 22, Sub-section (5), of The Co-operative Associations Act.

(c) No person holding office in the Association shall be eligible to be elected as Auditor of the Association.

(d) Candidates for the position of Director shall be nominated openly and at a general meeting, and shall be elected by ballot.

3. Officers.

(a) The Board of Directors shall consist of not less than five members.

(b) At the first General Meeting of the Association, if there are five Directors, two shall be elected to hold office until the first annual meeting, two shall be elected to hold office until the second annual meeting, and one shall be elected to hold office until the third annual meeting.

(c) If there are seven directors, they shall be elected in the same manner as in clause (b) except that three will be elected to hold office until the first annual meeting, two until the second annual meeting, and two until the third annual meeting.

(d) If there are nine Directors, they shall be elected as in clause (b) except that three shall be elected to hold office until the first annual meeting, three until the second annual meeting, and three until the third annual meeting.

(e) At all elections of Directors, except at the first election, and the filling of a vacancy on the Board, the term of office shall be three years. In filling a vacancy on the Board the election shall be for the unexpired term of office of the former Director.

(f) At any election of Directors, retiring Directors shall be eligible for re-election to the Board of Directors.

(g) The Board of Directors shall meet immediately after the first general meeting of the Association and subsequently immediately after each annual meeting, and at such meetings shall appoint from their own number a Chairman and shall also appoint a Secretary-Treasurer who may or may not be a Director.

4. Board of Directors.

(a) The Board of Directors shall direct and supervise the business of the Association, and may exercise all such powers of the Association as are not required to be exercised by the Association in general meeting.

(b) The Board of Directors may appoint an Executive Committee from among their number, and shall, if appointed, define their duties.

(c) The Directors may by resolution, appoint such managers or other officers as they may deem necessary for the conduct of the affairs and business of the Association defining their duties and fixing their remuneration.

(d) In case any vacancy occurs in the Board, the remaining Directors may appoint a member of the Association as a Director who shall hold office until the next general meeting of the members of the Association.

(e) The Board of Directors shall hold regular meetings at such times and places as they may from time to time determine.

(f) The Chairman of the Board shall call a special meeting of the Board upon the written request of a majority of the Directors, and the Secretary shall mail to each Director at least five days prior to such meeting a notice of the time, place and the purpose of the meeting, but if all the Directors are present at a meeting it shall be deemed to have been regularly called whether or not the prescribed notice of the meeting has been given.

(g) The Chairman may vote upon any question, but having done so, he shall not have a casting vote in the event of a tie. In the event of there being no majority in favour of a motion the motion shall be declared lost.

(h) In case a Director fails to attend three consecutive meetings of the Board of which he has been duly notified, his office shall be declared vacant, unless his absence has been explained to the satisfaction of the Board, and upon his office being declared vacant another member shall be appointed by the Board to take his place.

(i) At a meeting of Directors held prior to the annual meeting the Directors shall adopt a report covering all the activities of the Association for the preceding twelve months, and such report shall be presented to the members at the annual meeting.

(j) If any Director is, to the satisfaction of the Board, proved to be guilty of disloyalty without adequate cause, the Board may by resolution declare his office vacant and proceed to fill the vacancy by appointing another member of the Association to take his place.

(k) At any regular or special meeting of the Board a majority of the Directors shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time until a quorum is obtained.

5. *Duties of Chairman.*

(a) It shall be the duty of the Chairman of the Board of Directors to preside at all meetings of the Association and of the Board of Directors. He shall be *ex officio* a member of all Committees appointed, and shall submit to the Annual Meeting of the Association the Directors' Report of the affairs of the Association. He shall together with the Secretary-Treasurer, sign, execute and deliver all deeds or conveyances of real estate, which the Directors may order executed, and also sign all certificates of allotment of stock of the Association, which have been passed upon by the Directors. If no other person is authorized to do so by resolution of the Board of Directors, or if the person so authorized is for any reason unable to do so, he shall, together with the Secretary-Treasurer, authenticate by his signature the seal of the Association, and shall countersign all cheques, notes, bills of exchange, and other financial documents signed by the Secretary-Treasurer on behalf of the Association.

(b) In case of the absence of a Chairman or his inability to act for any cause, the Vice-Chairman shall discharge all the duties of Chairman, or if no Vice-Chairman has been elected, then the Board of Directors shall nominate one of their number to discharge the duties of Chairman.

6. *Duties of Secretary-Treasurer.*

(a) The offices of Secretary and Treasurer may be held by one person to be known as the Secretary-Treasurer.

(b) It shall be the duty of the Secretary-Treasurer to attend all meetings of the Association and the Board of Directors and to keep correct minutes of the same. He shall have charge of the correspondence, records, and books of the Association.

(c) The Secretary-Treasurer shall receive and deposit in whatever chartered bank, Treasury branch, or place of safe keeping, the Directors may designate, all moneys paid to the Association and shall issue receipts therefor. He shall be responsible for the keeping of a proper set of books, showing accurately the dealings of the Association, and shall present a full and detailed account of the receipts and disbursements to the Board whenever requested by them, and shall prepare for submission to the annual meeting of the Association a complete statement of its financial position.

(d) The duties of the Secretary-Treasurer may be modified or altered in keeping with the allotment of such duties as may be assigned to the manager or other officers of the Association by the Board of Directors.

7. Seal of Association.

(a) The Association shall have a seal to be approved by the Board of Directors.

(b) The seal of the Association shall not be affixed to any instrument except by authority of a resolution of the Board of Directors. The President and Secretary-Treasurer or such other persons as the Directors may appoint for the purpose, shall sign every instrument to which the seal of the Association is so affixed in their presence.

8. Audit.

(a) At the first general meeting of the Association and subsequently at each annual meeting, an Auditor shall be appointed by the members. The name of the Auditor appointed shall be submitted to the Supervisor for his approval. In the event of the Supervisor not approving the nominee for any reason, and in the further event of the Association failing to nominate another who is approved by the Supervisor, then the Supervisor may appoint an Auditor who shall thereupon be the Association's Auditor for the ensuing year.

(b) At the close of each fiscal year and prior to the holding of the annual meeting of the Association, the books of the Association shall be closed and the Auditor shall have access to all the books and accounts of the Association, and shall examine the General Statement of Receipts and Expenditures, Funds and Effects of the Association and verify the same with the accounts and vouchers relating thereto, and shall either certify the same as found by him to be correct, duly vouched and in accordance with the law, or specially report to the Association and to the Supervisor in what respect he found any entry or account to be incorrect, unvouched for or not in accordance with the law.

(c) The report of the Auditor shall be presented at the annual meeting of the Association, and one duly certified copy shall be forwarded to the Supervisor of Co-operative Activities, as well as any special form of return which may be required under the Act.

(d) The fiscal year of all Associations incorporated under The Co-operative Associations Act of 1946, shall close on the 31st day of December in each year.

9. Withdrawal of Members.

(a) Any member wishing to withdraw from the Association shall apply to the Board of Directors and shall offer to sell his shares to the Association and the Board shall decide whether or not the Association shall buy the said shares or any of them in accordance with the provisions of Section 32 of The Co-operative Associations Act.

(b) If the Board does not deem it advisable to buy the said shares it may consent to their sale or transfer to some other person to be approved by the Board.

(c) Any member withdrawing from the Association shall be entitled to obtain the par or paid-up value of his share or shares, exclusive of any right to any portion of the reserve fund, provided that in the event of the share capital of the Association being impaired any member with-

drawing shall be entitled only to such a price for his share or shares as to the Board of Directors may appear to be fair and reasonable.

10. *By-laws.*

(a) All by-laws of the Association, with the exception of the Standard By-laws, may be repealed, altered or amended by other by-laws passed at any general meeting of the Association especially called for that purpose, or at any annual meeting providing at least ten days' notice of such intention to repeal, alter or amend the said by-laws has been given, provided that no new by-law or amended by-law shall have any force or effect until a copy thereof proved by affidavit of the Chairman or Secretary of the Board of Directors to be a true copy of the by-law or by-laws passed by the Association as hereinbefore provided has been approved by the Supervisor of Co-operative Activities, and filed with the Registrar of Companies.

11. *Disposition of Surplus Earnings.*

(a) Surplus earnings remaining in the hands of the Association at the end of any fiscal year shall be dealt with as follows:

1. By setting aside necessary reserves.
2. By paying, if any, at a rate not to exceed five per cent (5%) per annum such interest or dividends as the Directors may determine, on any paid-up capital stock or other capital used in the business of the Association on which there is no obligation to pay interest.
3. By allocating, crediting, or paying to members of the Association the balance, or such proportion thereof as may be determined, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed or handled, dealt in or sold, and services rendered by the Association from or on behalf of or to the members, whether as principal or agent or otherwise, with appropriate differences in the rate for different classes or grades and quality thereof.

12. *Order of Business.*

(a) The order of business for general meetings of the Association may be as follows:

1. The meeting called to order by the Chairman or Acting Chairman.
2. The reading and disposal of the Minutes of the preceding meeting.
3. Business arising out of the minutes.
4. Reports of Officers and Board of Directors.
5. Reports of standing committees appointed at a previous meeting.
6. Reports of special committees appointed at a previous meeting.
7. Reports of Auditor.
8. Unfinished business.
9. Nomination and election of officers.
10. Nomination of Auditor.
11. New business.
12. Adjournment.

Dated at the City of Edmonton, in the Province of Alberta, this
Twenty-first day of December, 1946.

F. J. FITZPATRICK,
Supervisor of Co-operative Activities.

Countersigned for Identification:

(Sgd.) C. E. GERHART,
Minister of Trade and Industry.

(Extract from *The Alberta Gazette* of December 31, 1946)

GOVERNMENT OF THE PROVINCE OF ALBERTA
THE CO-OPERATIVE ASSOCIATIONS ACT, 1946

STANDARD BY-LAWS, AMENDED

Edmonton, Tuesday, December 23, 1947.

His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order (pursuant to the provisions of The Co-operative Associations Act, 1946, being Chapter 6 of the Statutes of Alberta, 1946), that the Standard By-Laws approved by Order in Council numbered 2242-46, be, and are hereby amended by adding as Paragraphs 13 and 14 thereof the following paragraphs:

"13.—BONDING.

"Every person appointed to an office touching the receipt, management, or expenditure of money, or with the receipt of goods, wares, or merchandise for the purposes of an Association under The Co-operative Associations Act, 1946, shall, before entering upon the duties of his office, give such security as is deemed sufficient by the directors, which security may be varied in amount or renewed from time to time.

"14.—BORROWING OF DIVIDENDS.

"In consideration of the Association promising to repay to each member without interest, and as soon as moneys become available for that purpose in the revolving fund heretofore established by it, such sums as the Association may borrow hereunder from year to year, each member of the Association agrees to lend to the Association this year, and in each year hereafter upon said terms, a sum equal to the amount of the patronage dividends credited to him by the Association, or such part thereof as the Association may desire to borrow, and the Association is by virtue hereof authorized to apply the said dividends of each member on the said loans during such time as he remains a member of the Association."

(O.C. 1352-47)

R. A. ANDISON,
Clerk of the Executive Council.

(Extract from *The Alberta Gazette* of January 15, 1948)

GOVERNMENT OF THE PROVINCE OF ALBERTA
THE CO-OPERATIVE ASSOCIATIONS ACT, 1946

STANDARD BY-LAWS AMENDED

Edmonton, Monday, January 31, 1949.

His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order (pursuant to the provisions of subsection (1) of section 16 of The Co-operative Association Act, being Chapter 6 of the Statutes of Alberta, 1946), that the Standard By-laws, approved by Orders in Council numbered 2242-46 and 1352-47 be and are hereby amended by adding as paragraphs 15 and 16 thereof the following paragraphs:

15. *Share Capital.*

For the purpose of insuring the financial stability of the Association and increasing the mutual benefits to be derived by the members by the collective use of a portion of the savings arising from the operation of the Association each member hereby applies for the largest number of shares of the capital stock of the Association for which payment can be made from 100 per cent of the amount of the patronage dividend available to the member arising out of the business of the Association for the fiscal year 1947, and for each fiscal year thereafter, provided that if in any year the said percentage of patronage dividends allocated to a member is not an even multiple of the par value of one share, then the member hereby applies for a further share. In consideration of the directors of the Association allotting shares in accordance with this by-law, each member hereby authorizes the Association to apply on account of the purchase price of the said share or shares the said percentage of patronage dividends; provided that allotment by the directors of the Association shall be made forthwith after the amount available for shares pursuant to this by-law is ascertained and notice of such allotment shall be given by the Association to each member within 12 months after the end of each fiscal year, showing the amount of patronage dividends credited on account of shares in accordance with the provisions of this by-law.

16. *Insurance Premiums.*

For the purpose of acquiring for each member the greatest possible financial security through life insurance by the collective use of a portion of the savings arising from the operation of the Association, each member agrees to pay to the said Association from his dividends arising out of the business of the Association for the fiscal year 1947 and for each fiscal year thereafter, such sum as the Association may in any said year or years apply on account of such member in payment of insurance premiums for life insurance carried on the life of such member under any member group life insurance plan adopted by the Association.

(O.C. 109-49)

R. A. ANDISON
Clerk of the Executive Council.

(Extract from *The Alberta Gazette* of February 15, 1949)

IN THE MATTER OF THE AMENDMENT OF THE MEMORANDUM OF ASSOCIATION OF THE EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED PURSUANT TO SECTION 6 OF THE CO-OPERATIVE ASSOCIATIONS ACT.

Registered Dec. 11/58
The Registrar of Joint
Stock Companies,
Province of Alberta

A F F I D A V I T

I, GRACE FORBES, of the City of Edmonton, in the Province of Alberta, MAKE OATH AND SAY:

1. I am the Secretary of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited and as such have a personal knowledge of the matters hereinafter deposed to.
2. That a general meeting of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited was held on the 15th day of April, 1958, at which an extraordinary resolution was passed approving the amendment of the constitution of the Association.
3. That fourteen days notice was given, both of the general meeting, and of the intention to propose the extraordinary resolution and the said resolution was passed by a majority in excess of three-fourths, being practically unanimous.
4. That attached hereto and marked as Exhibit "A" to this my affidavit is a true copy of the revised objects approved pursuant to the said special resolution which are intended to be substituted for the existing objects contained in the Memorandum of Association of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited.
5. That I submit this affidavit in support of an application for the approval of the Supervisor to the amended objects pursuant to Section 6 of the Co-Operative Associations Act.

Subscribed before me at the City of Edmonton, in the Province of Alberta, this 27th day of November, A.D. 1958.

) Grace Forbes
)
) Grace Forbes, Secretary.

C. R. Rolles
A Commissioner for oaths in and for the Province of Alberta.

THIS IS EXHIBIT "A" REFERRED TO
IN THE AFFIDAVIT OF CRUEL PRICES

SWORN BEFORE ME at the City of
Edmonton, in the Province of Alberta
this 27th day of November, A.D. 1958

W. H. Webber
A Commissioner for Land

in and for the Province of Alberta.

for Registration

H. W. Webber, Supervisor of
Co-operative Activities and
Credit Unions, Dec. 11, 1958

-
- (a) To establish and maintain an organization for the consideration of problems affecting the real estate business and to administer and regulate its membership in the common interest;
 - (b) to do all things necessary to promote interest in the marketing of real estate in all its aspects, and to advance and improve the relations of the Members of the Board with the public;
 - (c) to advance and promote the interests of those engaged in the real estate business as brokers, agents, salesmen, valuers, appraisers, examiners and experts;
 - (d) to increase public confidence in and respect for those engaged in the calling of the real estate agent;
 - (e) to unite the real estate men of the Greater Edmonton Area for the purpose of determining and expressing effectively the views of those engaged in the business on matters affecting real estate interest
 - (f) to encourage the use of the designation "REALTOR" by the members of the Board and to encourage and promote the acceptance by the general public of such designation and such use thereof and to protect, as far as practical the exclusive use thereof by the members of this Board and other Boards and organizations, members of the Canadian Association of Real Estate Boards;
 - (g) to encourage the study of real estate in all its aspects;
 - (h) to promote the exchange of views between the members of the Board by affording opportunities for discussion, correspondence and attendance at lectures for the reading of papers;
 - (i) to disseminate useful information by circulation among the members of publications, data and forms;
 - (j) to purchase, lease, build or otherwise acquire or provide from time to time and at any time any building or buildings, or space for the purpose of an institute, hall, college or lecture rooms, offices and board rooms, and to alter, reconstruct, equip and furnish the same for the execution of the objects of the Board and to sell, mortgage, lease or otherwise dispose of the same when deemed advisable from time to time.
 - (k) to promote, encourage and protect the ownership of real property and to endeavor to maintain real estate values in the areas served by the Board and to do all things which may be deemed necessary or advisable to make real estate a sound and desirable investment;

- (l) to assist in the development of the Greater Edmonton Area and its environs along the lines best calculated to promote the prosperity and health of the metropolitan area and its inhabitants.
- (m) to advance the interests of the Greater Edmonton Area and its citizens by the collection and circulation of valuable and useful information pertaining to the real estate, manufacturing, industrial and mercantile interests and to oppose the enactment of laws detrimental to said interests;
- (n) to foster an equitable system of taxation and assessment and to secure the enactment and enforcement of laws and ordinances for the further protection, convenience and welfare of real estate owners, lease holders and those engaged in all aspects of the real estate business.
- (o) to aid in the adjustment and settlement of any controversies, disputes or misunderstandings which may arise between members of the Board.
- (p) to secure the adoption and enforcement of sound rules of business conduct and dealing among those engaged in the real estate business;
- (q) to adopt a code of ethics and standards of business conduct to which all members shall be required to conform, which ethics and standards shall be equal to or higher than the ethics and standards adopted by The Canadian Association of Real Estate Boards;
- (r) to establish, raise, undertake, superintend, manage or administer, charitable or benevolent funds to assist deserving persons or organizations, and from time to time make grants and donations out of the income or surplus funds of the Board for the purpose of such charitable or benevolent funds;
- (s) to make grants and donations out of income or surplus funds of the Board for the establishment or support of any educational, charitable or benevolent institution and subscribe and guarantee funds for any educational, charitable or benevolent purpose whether or not related to or calculated to promote the purposes of this board;
- (t) to maintain an active and representative membership composed of those engaged in any and all aspects of the real estate business in areas served by the board.
- (u) to collect and make available to members of the board information regarding various aspects of the real estate business in the areas served by the board, which information may include, among other things, traffic counts; sales statistics; rental market information relating to the various classes of rental properties; listing of undesirable tenants; and any other information that may be valuable to the membership of the Board in the conduct of their businesses;
- (v) to organize, promote, support, assist, and have an interest in a company, co-operative, or other organization formed to operate facilities for the multiple and co-operative listing and sale of properties and the division and distribution of resulting commissions.

DOLLAR SALES				THIS YEAR LISTINGS-SALES				LAST YEAR LISTINGS-SALES				THIS MONTH SALES	
TO DATE		% *	MONTH		TO DATE		% *	TO DATE		% *	This Year	Last Year	
This Year	Last Year		This Year	Last Year	Listings	Sales		Listings	Sales				
1,147,147	1,022,136	11.5%	6,235,624	6,294,500	3712	1066	28 1/2	3052	1129	37%	262	281	

* For examples to figuring percentages see reverse side.

BOARD MEMBERSHIP STATISTICS: list changes in broker membership, addresses, etc., together with changes in number of members in each office (use extra sheet if necessary).

Residentials 534
Commercials 287
Leased 8
829
Cancellations 23
806

Sales 267
Cancelled 5
262

NUMBER OF MEMBERS:

Active (Broker)	122
Associate (Salesman)	592
Other (Affiliate)	13
Total	733

SECRETARY

BOARD

POPULATION

426,400

Amendments to Supplemental By-Laws:

EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED

APRIL 19TH, 1960 -

As to Section 3, subsection (1), clause (b), by striking out the word "and" and by substituting therefore the following:

"or has been a salesman member in good standing for a period of three years immediately prior to his application for membership as a voting agent member, and"

By adding immediately after Section 19, the following new Section:

19a. (1) In the case of an application for membership as a voting agent member from a person who has been a salesman member in good standing for the immediately preceding three years and who is going into business for himself, the certificate of solvency may be based on the applicant's balance sheet as at the date of commencement of his operations in his first fiscal year.

(2) If such an applicant is admitted to membership he shall have all the rights and privileges of a voting agent member on a probationary basis during the calendar year in which he is admitted to membership, but his membership shall not be renewed for a further year until:

(a) he tenders his annual dues, and

(b) the Board by resolution approves the renewal of his membership.

SEPTEMBER 20TH, 1960 -

Schedule VI - Section 2 - to be known as Paragraph N.

In the event that a forfeiture of deposit shall take place, the distribution of the deposit, or of the earned Real Estate Commission, to the Selling Broker, the Listing Broker and the Edmonton Real Estate Board Co-Operative Listing Bureau Limited shall be in the same ratio as if the sale had been completed, and as provided for in Paragraph (a), Section 2, Schedule VI.

Section 2, to be known as Paragraph O.

It is the duty and the responsibility of the Agent Member that services, information and benefits of the Edmonton Real Estate Board Co-Operative Listing Bureau Limited shall not be shared or used, or allowed to be shared or used by any Non-Member of the Board, except as provided for in Schedule VI, Paragraph 2, Sub-paragraphs (b) and (c).

Procedures to be followed on property sold through the Bureau: In the case of a SALE by the Listing Broker, the sale can be processed in the usual way and when the deal has been finalized the Bureau Office is entitled to receive their share of commission, viz: 1/2 percent of the selling price.

In the case of a DEAL PENDING by the Listing Broker, before the Bureau Office will notify the Member Firms of the deal pending, they must receive a Certified Copy of the Interim Agreement outlining full particulars of the deal.

In the case of a SALE BY A FIRM OTHER THAN THE LISTING BROKER, the Selling Broker must IMMEDIATELY notify the Listing Broker of the sale and within FORTY-EIGHT (48) hours forward a copy of the Interim Agreement for the Listing Broker's records. They must, however, make sure that the Listing Broker is willing for them to finalize the deal. If not, the deposit cheque and the copy of the Interim Agreement must be forwarded to the Listing Broker IMMEDIATELY.

In the case of a DEAL PENDING BY A FIRM OTHER THAN THE LISTING Broker, the Selling Broker must immediately notify the Listing Broker of the DEAL PENDING and the particulars thereof and within FORTY-EIGHT (48) HOURS forward a certified copy of the Interim Agreement outlining particulars of the deal.

JANUARY 10TH, 1961 -

Immediately after Section 175B the following new section to be known as 175(c)

175 (c) That the Arbitration Committee be given power to publish at their discretion, any arbitration dispute which in their view establishes a principle which should be followed by the Members of the Board, provided that both parties to the dispute give their consent in writing to such publication.

APRIL 23RD, 1963 -

As to Article 192:

The annual meeting of the Board shall be held in January, February or March of each year, the date, place and hour to be fixed by the Directors and notified to the Members by the Executive Secretary.

As to Article 194:

There shall be EIGHT (8) monthly meetings of the Board each year, these EIGHT (8) meetings to include the annual meeting and to be called at the date, time and place as the Directors may determine.

DECEMBER 20TH, 1966 -

Article 7 amended as follows:

Sub-section 1 remains unchanged.

Sub-section 2 amended as follows: A salesman member may vote:

- (a) for the election of the Salesmen's Executive Committee as hereinafter provided in these By-Laws.
- (b) eliminated.

Sub-section 3 amended as follows: A salesman member shall not have the right to vote:

- (a) for the election of voting agent members as Directors.
- (b) on amendments to the Constitution of the Association, including the application and the by-laws;
- (c) on any matter pertaining to the finances of the Association.
- (d) on Appeals as set out in Section 155 of these By-Laws.

Article 8 amended as follows: Voting Salesman Members

- (1) The Salesman Members may nominate and elect from their membership a Salesmen's Executive Committee as follows: one voting salesman member for each FIFTY(50) Salesman members, PROVIDED HOWEVER the ratio of voting salesmen to voting agent members does not exceed one voting salesman member to EIGHT (8) voting agent members.
- (2) Only a salesman who has been a licensed salesman member of this Board for THREE (3) consecutive years shall be eligible for nomination and election as Voting Salesman Member.
- (3) The Salesmen's Executive Committee shall elect the Voting Salesmen Members from among their number for a term of ONE (1) year as outlined in Section 122, sub (2), sub (c).

Article 67 be amended as follows:

One Voting Salesman Director shall be elected each year by the Salesmen's Executive Committee from among their number as outlined in Article 122.

Article 122 amended as follows: The Salesmen's Division Committee

1. The Salesmen's Division Committee shall be composed of all Salesman Members in good standing in the Board.
2. The Salesmen's Division Committee shall be represented by a Salesmen's Executive Committee to be elected annually as follows:
 - (a) an annual meeting of the Salesmen's Division Committee shall be held for the purpose of electing the Salesmen's Division Executive Committee and written notice to all Salesmen Members shall be provided by the Chairman of the Salesmen's Executive Committee at least FIFTEEN (15) days prior to such election meeting, such notice to specify the time, date and place of the election meeting, together with nominations put forward by the outgoing Salesmen's Executive Committee and inviting further nominations prior to or at the said election meeting, such election meeting to be held at least FIFTEEN (15) days prior to the Annual General Meeting of the Edmonton Real Estate Board.
 - (b) the Salesmen's Executive Committee shall consist of a number such that it provides for a Chairman, a Vice-Chairman and the number of Voting Salesmen Members as provided under Section 8 (1). A Salesman shall not be eligible to be a member of the Salesmen's Executive Committee if he does not meet with all the requirements under Section 8 (2).
 - (c) the Salesmen's Executive Committee, shall, within THREE (3) days following the Annual General Meeting of the Edmonton Real Estate Board, hold their first Executive Committee meeting and shall, at that meeting, elect from among their numbers a Chairman and Vice-Chairman, a Director who will serve a TWO (2) year period together with the Salesmen Director elected to this position the previous year. The two Directors, together with the remaining members of this Committee (other than the Chairman and Vice-Chairman) shall be the Voting Salesman Members.
 - (d) vacancies in the Salesmen's Executive Committee shall be filled by appointment made by the remaining members

of the Salesmen's Executive Committee. Vacancies among the Salesmen Directors shall be filled as provided in Section 73 of the Constitution and By-laws.

(e) no Member Firm may be represented by more than one Salesman Member on the Salesmen's Executive Committee.

Nominations

(a) in each year end at least THIRTY (30) days prior to the date of the Annual General Meeting the outgoing Salesmen's Executive Committee shall act as a Nominating Committee and shall nominate a slate of eligible Salesman Members of such numbers as hereinbefore provided under Section 122, sub (2), sub (b).

(b) any other eligible Salesman Members may be nominated to the Salesmen's Executive Committee either prior to or at the said election meeting provided that eligibility under Section 8 (2) must be determined prior to the actual voting.

(c) all voting in the said election meeting shall be by secret ballot and ballots shall be counted by at least two Scrutineers appointed by the Chairman of the Annual Meeting.

(d) in the case of a tie vote in any election another secret ballot shall be called to determine the will of the majority as between the Candidates who were tied.

JUNE 19TH, 1969 -

Schedule IV - Code of Ethics - substituted with the Code of Ethics adopted by The Canadian Association of Real Estate Boards as adopted in September of 1959 and published in January of 1960.

196. The secretary shall mail at least TEN (10) clear days' notice of each meeting of the Board to each member, addressed to the address of that member as shown by the books of the Board.

DECEMBER 16TH, 1969 -

Appeal

155. When a member of the Board has been suspended, expelled or otherwise disciplined by the Directors:

(a) The member has the right to appeal the decision of the Directors to a general meeting of the members of the Board but the decision of the Directors shall not be varied unless a majority vote by secret ballot of the voting agent members and voting salesman members present at a general meeting instructs the Directors to do so; and

(b) The member has the right, if his appeal to a general meeting of the members of the Board has not been successful, to apply to the Supreme Court of Alberta for relief on any of the following grounds:

i) that the Ethics Committee or the Directors have acted without jurisdiction or exceeded the jurisdiction conferred on them by the objects and by-laws of the Board;

- ii) that the Ethics Committee or the Directors have failed to observe the principles of natural justice;
- iii) that the Ethics Committee or the Directors have made an error in law disclosed on the face of the record;
- iv) that the Ethics Committee or the Directors have acted in bad faith.

JUN 27 1952

MEMORANDUM OF ASSOCIATION
of theDEPUTY PROVINCIAL
SECRETARY'S OFFICE

JUN 27 1952

EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU

LIMITED

	NAME	ADDRESS	OCCUPATION
1.	WE, M. C. CUSHINGS * 104 Commercial Building,	Edmonton, Alta.,	Real Estate Agent
2.	J. C. Haliburton, 10043 Jasper Avenue,	" "	" " "
3.	J. N. Winterburn, 410 Agency Building,	" "	" " "
4.	S. T. Lawrie, 310 Agency Building,	" "	" " "
5.	J. A. Weber, Weber Building,	" "	" " "
6.	S. T. Melton, 10154 - 103rd St.,	" "	" " "
7.	D. Spencer, 211 Birks Building,	" "	" " "
8.	F. Alloway, 9-11 Benson Block,	" "	" " "
9.	W. B. MacGregor, 11120 - 97th Street,	" "	" " "
10.	T. C. Visser, 15 Benson Block,	" "	" " "

do hereby express our desire to form an association under the provisions of The Co-operative Associations Act. The corporate name of the association is to be EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU Limited, and the objects for which the association is to be formed are:

To facilitate the marketing of real estate by relieving the sellers of the duplication of listing their property with numerous Real Estate Brokers, and generally providing a better Real Estate service to the economical benefit of the buyer and the seller.

To promote and foster an educational program for the betterment of the Real Estate profession to the benefit of the buyer and seller of Real Estate.

To advance this co-operatives movement as a system of business having service for its motive.

A

THERE SHALL BE NO SHARE CAPITAL. ~~THE CAPITAL OF THE ASSOCIATION SHALL~~ ~~BE~~ ~~THE~~ ~~PROPERTY~~ ~~OF~~ ~~THE~~ ~~ASSOCIATION~~ ~~AND~~ ~~THE~~ ~~CAPITAL~~ ~~SHALL~~ ~~CONSIST~~ ~~OF~~ ~~MEMBERSHIP~~ ~~FEES~~ ~~OF~~ ~~200.00~~ ~~EACH~~ ~~UNTIL~~ ~~MAY~~ ~~31~~ ~~1952~~ ~~AFTER~~ ~~WHICH~~ ~~DATE~~ ~~THE~~ ~~MEMBERSHIP~~ ~~FEES~~ ~~SHALL~~ ~~BE~~ ~~INCREASED~~ ~~AS~~ ~~DETERMINED~~ ~~BY~~ ~~THE~~ ~~BY-LAWS~~ ~~OF~~ ~~THE~~ ~~ASSOCIATION~~ ~~THE~~ ~~NUMBER~~ ~~OF~~ ~~DIRECTORS~~ ~~WHO~~ ~~SHALL~~ ~~DIRECT~~ ~~AND~~ ~~SUPERVISE~~ ~~THE~~ ~~CONCERNS~~ ~~OF~~ ~~THE~~ ~~ASSOCIATION~~ ~~SHALL~~ ~~BE~~ ~~SEVEN~~ ~~OR~~ ~~SUCH~~ ~~OTHER~~ ~~NUMBER~~ ~~AS~~ ~~SHALL~~ ~~FROM~~ ~~TIME~~ ~~TO~~ ~~TIME~~ ~~BE~~ ~~DETERMINED~~ ~~BY~~ ~~THE~~ ~~BY-LAWS~~ ~~OF~~ ~~THE~~ ~~ASSOCIATION~~ ~~AND~~ ~~THE~~ ~~NAMES~~ ~~OF~~ ~~SUCH~~ ~~DIRECTORS~~ ~~UNTIL~~ ~~THEIR~~ ~~SUCCESSORS~~ ~~ARE~~ ~~APPOINTED~~ ~~UNDER~~ ~~THE~~ ~~BY-LAWS~~ ~~OF~~ ~~THE~~ ~~ASSOCIATION~~ ~~TO~~ ~~BE~~ ~~FORMED~~ ~~ARE~~ :

J. Haliburton

M. Cummings

J. N. Winterburn

J. A. Weber

D. Spencer

W. B. MacGregor

F. A. Alloway

and the name of the place at which the head office or principal place of business is to be situated is 304 Wallace Building, Edmonton, Alberta

Dated the 18th day of June 19 52.

Signatures:

- (1. M. Cummings
- (2. J. C. Haliburton
- (3. J. N. Winterburn
- (4. D. M. Spencer
- (5. J. A. Weber
- (6. S. T. Melton
- (7. S. T. Lawrie
- (8. W. B. MacGregor
- (9. F. Alloway
- (10. Thomas C. Visser

Betty Varey

Witness to Signatures

EXAMINED AND RECOMMENDED
FOR REGISTRATION

[Signature]
CO-OPERATIVE ACTIVITIES
DATE June 25 1952

CANADA)
Province of Alberta)
TO WIT)
I, Betty Vorey
of the City of Edmonton
in the Province of Alberta make oath and say:

1. That I was personally present and did see the within instrument duly signed and executed by: (Names of Subscribers)

M. C. Cummings, J. N. Winterburn, J. A. Weber, D. Spencer, W. B. MacGregor,
J. C. Haliburton, S. T. Lawrie, S. T. Melton, F. Alloway, T. C. Visser

the parties thereto.

2. That the said instrument was executed at the City
of Edmonton, in the Province of Alberta.

3. That I know the said parties and each of them is over the age of
Twenty-one years.

4. That I am a subscribing witness to the said instrument.

Sworn before me at Edmonton)
in the Province of Alberta this)
23rd day of June 1952)

Betty Vorey
Signature of Witness

A. Matheson
A Com., N.H./J.H./E.M., in and for
the Province of Alberta

RULES AND REGULATIONS OF THE

EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED

ADOPTED BY THE BOARD OF DIRECTORS AT A MEETING HELD AT

8:00 P.M. ON THURSDAY, June 12, 1952

1. NAME: Edmonton Real Estate Board Co-operative Listing Bureau.
2. OFFICERS: Chairman, Vice Chairman, Executive Secretary and Four (4) Directors to be elected for a term of one (1) year by a majority vote of the members of the Bureau.
3. COMMISSION: 7% - Split: 2½% to Listing Broker
4% to Selling Broker
½% to Bureau
4. LISTING FEE: \$1.00 attached to each listing by the Listing Broker when filing with Bureau.
5. ELIGIBILITY: (1) Applicant shall be, and shall have been a licensed Real Estate Agent in the City of Edmonton for at least 12 months prior to date of application and shall be a paid-up member of the Edmonton Real Estate Board in good standing. If an applicant has not been licensed as a Real Estate AGENT in the City of Edmonton for at least 12 months prior to date of application, he shall have the right to membership at the initial Entry Fee of \$200.00 provided application is made prior to the deadline, provided further, that applicant re-applies within 30 days after having been licensed as a Real Estate AGENT in the City of Edmonton for at least 12 months prior to date of original application.

(2) That charter applicants to the Edmonton Real Estate Board Co-operative Listing Bureau whose names appear in the minutes of a special meeting, of the Edmonton Real Estate Board May 1, 1952 (and are listed herewith) shall be eligible for full membership in the Bureau on payment of the initial fee of \$200.00 provided it has been established through the Board of Directors of the Edmonton Real Estate Board Co-operative Listing Bureau that said charter applicants are licensed Agents and also members in good standing of the Edmonton Real Estate Board and further provided that any applicants make application to the Bureau together with the required initial fee of \$200.00 on or before May 31, 1952.

CHARTER APPLICANTS TO EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU AS PER SPECIAL MEETING OF EDMONTON REAL ESTATE BOARD HELD ON THURSDAY, MAY 1, 1952.

Magee & MacRae Ltd.	Alloway Agencies
Campbell & Haliburton Ltd.	D. Reid Real Estate
Hoson Company	Norman Innes Real Estate
Locators Limited	Weber Bros. Agencies Ltd.
L.T. Elton Real Estate Ltd.	Howatt Perry & Burdon Ltd.
L. Winterburn & Son	Spencer & Grierson Ltd.
MacGregor Real Estate	Tom Visser Real Estate
Cummings Agencies	McBeth Agencies
Laurie Investment Agencies	Hawkeye Investments Ltd.

Item (2) under the heading Eligibility shall not be deemed to apply to any application made after May 31, 1952, and rule No. 5 Item (1) shall apply after said date in all cases.

(3) Membership in the Edmonton Real Estate Board Co-operative Listing Bureau shall not be transferable except with the approval of the majority of the Board of Directors of the Bureau as constituted in Item No. 2 under the heading "Officers".

(4) In the event of a member of the Edmonton Real Estate Co-operative Listing Bureau ceasing to become a member of the Edmonton Real Estate Board for any reason whatsoever, his membership in the Edmonton Real Estate Board Co-operative Listing Bureau shall cease and terminate as of the same date his membership in the Edmonton Real Estate Board terminates and there shall be no refund made to him on his entry fee.

6. ENTRY FEE: \$200.00 - (non-returnable) when application is accepted by the Board of Directors. Deadline for membership is May 31, 1952, after which date a higher entry fee and a waiting period of 6 months or more may be established by a two-thirds majority of the board of Directors.

7. LISTINGS: The Listing Broker must:

(a) Secure a Co-operative Listing Contract, in triplicate, on the authorized form, signed by the Owner for a minimum of 60 days.

(b) Within 24 hours (Sundays and holidays excepted) of the Listing Broker's receipt of such signed Listing, he must send out, by posting direct to the office of the Secretary of the Edmonton Real Estate Board Co-operative Listing Bureau, one copy of the listing. Such listing must give all data available and as full and accurate a description of the property as possible with any additional information on property to be forwarded as soon as procurable. The date and hour signed to be shown on the listing.

(c) The Listing Broker must give immediate notice by telephone, confirmed in writing, within 24 hours, of any change in price, terms or conditions of any listing.

(d) The Bureau will, within 24 hours of receipt of a Co-operative Listing, write a letter of appreciation on the Bureau's letterhead, to the persons listing their property for sale, which letter will show a list of the names, address and phone numbers of the members of the Edmonton Real Estate Board Co-operative Listing Bureau.

8. ADVERTISING: The Listing Broker has the exclusive right to all advertising of the property. The Listing Broker may authorize other members to advertise a property.

(b) All newspaper advertising of a Co-operative Listing must state "Co-operative Listing".

(c) In respect to the placing of signs on properties listed with the Bureau, the Listing Broker only be permitted to place his "For Sale" sign on a property, and that a "sold" sign be in the name of the Bureau only.

9. APPOINTMENTS: (a) All appointments SHALL be made without undue delay through the Listing Broker, except where otherwise indicated.

(b) Cancellation of Appointments - When a Sub-Broker is unable to keep an appointment, he shall advise the Listing Broker, or if unable to contact him he shall advise the owner or tenant immediately. It is very annoying to wait for people who do not arrive.

10. SUBMISSION OF OFFERS: (a) Offers to Purchase shall include the names of both Listing and Selling Broker.
- (b) All Offers to Purchase MUST BE submitted and all negotiations conducted through the Listing Broker.
- (c) The Listing Broker shall without delay submit all written Offers to Purchase, supported by a deposit, to the Vendor, in the event that two or more equally acceptable offers are received, The Listing Broker will submit same to the Vendor one at a time in the order in which the Offers were received.
- (d) Under no circumstances may the terms of one offer, which is under consideration, be disclosed as a means of obtaining a better one from someone else. The Listing Broker shall not disclose these terms to any one other than the Owner, including other Brokers, his own salesmen, or their prospects. AN OFFER TO PURCHASE IS A CONFIDENTIAL DOCUMENT AND SHOULD BE SO TREATED.
11. DEPOSITS: All deposits shall be made out, or endorsed to the Listing Broker and turned over with the Offer to Purchase to him. Deposits should be at least 10% of the sale price. All cheques should be certified as soon as possible.
12. NOTICE OF SALE, EXPIRATION OR CANCELLATION: Notice of sale must be given by telephone by the Listing Broker to the Bureau at the earliest possible moment, followed in writing within 24 hours. Failure to send out this notice will result in penalties as laid down by the Board of Directors. If a listing is cancelled or expires, the Listing Broker shall give notice of such change within 24 hours. Said notice shall indicate the existing status of the Listing. The Bureau will advise the members thereof of any such changes as referred to herein as soon as possible after the Bureau has received notice from the Listing Broker of such changes.
13. CANCELLED AND EXPIRED LISTINGS: No Co-operative Listing can be cancelled before expiry date unless cancellation is recommended by the Listing Broker and approved by the majority of the Officers of the Edmonton Real Estate Board Co-operative Listing Bureau. Any Co-operative Listing which has expired, shall be deemed an open listing unless contrary notice is given.
14. PENALTIES: Failure to comply with these regulations or failure to abide by the Code of Ethics of the Edmonton Real Estate Board, shall render the offending member liable to Fines, Suspension or Expulsion from the Edmonton Real Estate Board Co-operative Listing Bureau. The power to Fine, Suspend, Expel, or otherwise discipline a member shall lie within the Board of Directors by a majority vote. The member shall be given an opportunity for a hearing.
15. AMENDMENTS: (a) These Rules and Regulations may be amended by a two-thirds vote of the active members of the Bureau in good standing present at any regular membership meeting, or at any special meeting called for that purpose; provided that the proposed amendments shall be plainly stated in detail in the call for the meeting at which they are to be considered.
- (b) Due notice by mail to every member of meetings at which such amendments are to be considered must be given at least ten full days prior to the time of meeting.
16. VOTING: Each licensed Real Estate Agent who is a member shall be entitled to one vote only at all meetings of the Bureau.

Surplus funds may on the recommendation of the Board of Directors of the Bureau, be utilized for purposes other than the necessary expenditures to insure the continued operation of the Bureau, providing the recommendation of the Board Directors is approved by a majority of the members of the Bureau present at any general meeting.

Betty Varey
WITNESS

WITNESS

EXAMINED AND RECOMMENDED
FOR REGISTRATION

CO-OPERATIVE ACTIVITIES

DATE June 25 1952

CANADA)
Province of Alberta) I, Betty Vasey
TO WIT:) of the City of Edmonton
in the Province of Alberta make oath and say:

1. That I was personally present and did see the within instrument duly signed
and executed by: (Names of Subscribers)

M. Curriaga J.C. Haliburton

J.H. Winterburn S.T. Lavoie

J.A. Weber S.T. Malton

D. Spencer F. Alloway

W.B. MacGregor T.C. Visser

the parties hereto

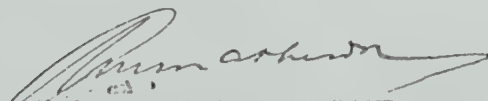
2. That the said instrument was executed at the City
of Edmonton, in the Province of Alberta.

3. That I know the said parties and each of them is over the age of Twenty-one
years.

4. That I am a subscribing witness to the said instrument

SWORN before me at Edmonton)
in the Province of Alberta)
this 23 day of June,)
A.D. 1952

Betty Vasey


A COMMISSIONER FOR OATHS
In and for the Province of Alberta

APPLICATION

We, the undersigned, hereby declare that we desire to form a society under The Societies Act and that,

1. The name of the society is "The Edmonton Real Estate Board."
2. The objects of the society are:
 - (a) to establish and maintain an organization for the consideration of problems affecting the real estate business and to administer and regulate its membership in the common interest;
 - (b) to do all things necessary to promote interest in the marketing of real estate in all its aspects, and to advance and improve the relations of the members of the society with the public;
 - (c) to advance and promote the interests of those engaged in the real estate business as brokers, agents, salesmen, valuers, appraisers, examiners and experts;
 - (d) to increase public confidence in and respect for those engaged in the calling of the real estate agent;
 - (e) to unite the real estate men of the Greater Edmonton Area for the purpose of determining and expressing effectively the views of those engaged in the business on matters affecting real estate interests;
 - (f) to encourage the use of the designation "REALTOR" by members of the society and to encourage and promote acceptance by the general public of such designation, such use thereof and to protect, as far as practical, exclusive use thereof by the members of this society and other societies and organizations, members of the C.I.E.A.

dian Association of Real Estate Boards;

- (g) to encourage the study of real estate in all its aspects;
- (h) to promote the exchange of views between the members of the society by affording opportunities for discussion, correspondence and attendance at lectures for the reading of papers;
- (i) to disseminate useful information by circulation among the members of publications, data and forms;
- (j) to institute, promote and manage and maintain systems and plans for the listing and sale of real estate with the object of rendering the best possible service to the general public for the purchase and sale of real estate through the members of the society by providing vendors of real estate with a wide potential market and by providing purchasers of real estate with a wide selection of properties;
- (k) to institute, promote and manage plans or systems for the general benefit of the members of the society in the conduct of their business connected with all aspects of real estate;
- (l) to purchase, lease, build or otherwise acquire or provide from time to time and at any time any building or buildings, or space for the purpose of an institute, hall, college or lecture rooms, offices and board rooms, and to alter, reconstruct, equip and furnish the same for the promotion of the objects of the society and to sell, mortgage, lease or otherwise dispose of the same when deemed advisable from time to time;

- (m) to promote, encourage and protect the ownership of real property and to endeavor to maintain real estate values in the areas served by the society and to do all things which may be deemed necessary or advisable to make real estate a sound and desirable investment;
- (n) to assist in the development of the Greater Edmonton area and its environs along the lines best calculated to promote the prosperity and wealth of the metropolitan area and its inhabitants;
- (o) to advance the interests of the Greater Edmonton area and its citizens by the collection and circulation of valuable and useful information pertaining to the real estate, manufacturing, industrial and mercantile interests and to oppose the enactment of laws detrimental to said interests;
- (p) to oppose the enactment of laws detrimental to real estate interests;
- (q) to foster an equitable system of taxation and assessment and to secure the enactment and enforcement of laws and ordinances for the further protection, convenience and welfare of real estate owners, lease holders and those engaged in all aspects of the real estate business;
- (r) to aid in the adjustment and settlement of any controversy or misunderstandings which may arise between members of the society;
- (s) to secure the adoption and enforcement of sound rules business conduct and dealing among those engaged in the real estate business;
- (t) to adopt a code of ethics and standards of conduct;

duct to which all members shall be required to conform, which ethics and standards shall be equal to or higher than the ethics and standards adopted by The Canadian Association of Real Estate Boards;

- (u) to establish, raise, undertake, superintend, manage or administer, charitable or benevolent funds to assist deserving persons or organizations, and from time to time to make grants and donations out of the income or surplus funds of the society for the purposes of such charitable or benevolent funds;
- (v) to make grants and donations out of income or surplus funds of the society for the establishment or support of any educational, charitable or benevolent institution and to subscribe and guarantee funds for any educational, charitable or benevolent purpose whether or not related to or calculated to promote the purposes of this society;
- (w) to maintain an active and representative membership composed of those engaged in any and all aspects of the real estate business in areas served by the Board;
- (x) to collect and make available to members of the Board information regarding various aspects of the real estate business in the areas served by the Board, which information may include, among other things, traffic counts; sales statistics; rental market information relating to the various classes of rental properties; listing of undesirable tenants; and any other information that may be valuable to the membership of the Board in the real estate business.

of their businesses;

- (y) to organize, promote, support, assist, and have an interest in a company, co-operative, or other organization formed to operate facilities for the multiple and co-operative listing and sale of properties and the division and distribution of resulting commissions.

BISHOP, MCKENZIE, JACKSON & LATTA

otherwise available for the personal benefit of any member of the society.

4. The operations of the society are to be chiefly carried on in Edmonton, Jasper Place, Beverly and the surrounding territory constituting the Greater Edmonton area.

DATED this 21st day of August, A.D. 1957.

WITNESS:

MEMBER:

W. H. Macmillan Name W. H. Macmillan
Secretary Occupation Real Estate Agent

Edmonton Real Estate Board Address 101 ...

W. H. Macmillan Name W. H. Macmillan
Secretary Occupation Real Estate Agent

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Edmonton Real Estate Board Address 101 ...

BISHOP, MCKENZIE, JACKSON & LATTA

W H Cunningham
Secretary

Edmonton Real Estate Board

Name

S. D. McLaughlin

Occupation

Prop. W. H. McLaughlin

Address

10834 - 124 - St.

W H Cunningham
Secretary

Edmonton Real Estate Board

Name

J. W. L. Smith

Occupation

Pres. Standard Agency

Address

10834 - 97 - St.

W H Cunningham
Secretary

Edmonton Real Estate Board

Name

J. W. L. Smith

Occupation

Pres. Standard Agency

Address

10604 - 82 - St.

W H Cunningham
Secretary

Name

P. W. L. Smith

Occupation

Solomon

Address

11113 - 104 - St.

Name

Occupation

Address

BY - LAWS

THE REAL ESTATE BOARD
EDMONTON, ALBERTA
PROPOSED BY-LAWS

DEFINITIONS

1. In these by-laws unless the context otherwise requires:
 - (a) "Board" means the Edmonton Real Estate Board;
 - (b) "by-laws" includes the forms in the schedules to the by-laws, the Code of Ethics, the scale of commissions and fees as fixed by the Directors and approved by the members, and the standards of business practice as fixed by the Directors and approved by the members from time to time;
 - (c) "directors" means the Board of Directors of the Edmonton Real Estate Board;
 - (d) "real estate business" includes the buying, selling, exchanging, renting, leasing, managing, appraising and financing either as principal or as agent of real estate for compensation, and developing and selling land and building sites and erecting buildings for sale;
 - (e) "society" means the Edmonton Real Estate Board.

MEMBERSHIP

2. There shall be four classes of members in the Board, namely:
 - (a) active agent member;
 - (b) active salesman member;
 - (c) associate member;
 - (d) non-resident member.

MEMBERSHIP

3. Every individually licensed real estate agent and every member of a partnership or corporation licensed under "The Real Estate Act"

Licensing Act" is eligible for active agent membership in the Board subject to the provisions hereinafter contained.

4. In the case of a partnership or a corporation, each person licensed as nominee for the partnership or corporation may apply to be named as the active agent member representing the partnership or corporation in the Board and such applicant becomes an active agent member upon being personally elected to membership in the Board.

5. The active agent membership of a partnership or of a corporation shall be carried on the membership rolls of the Board in the name of the partnership or corporation but the active agent membership representation of its nominee is not transferable to any other person, each nominee being required to apply for personal election to the Board.

ACTIVE SALESMAN MEMBER

6. Each employee of an active agent member who:

(a) is licensed under the Real Estate Agent's Licensing Act, and

(b) has been continuously employed since obtaining his license for a period of six months by an active agent member; is eligible for membership as an active salesman member subject to the requirements of these by-laws.

7. Each active agent member who employs any person eligible for membership as an active salesman member shall be responsible:

(a) to present an application for membership for each eligible salesman employed by him forthwith after the salesman becomes eligible for membership; and

(b) for collecting and remitting to the Board the dues and entrance fees and dues payable to the Board on behalf of each such applicant for active salesman membership;

- (c) for obtaining execution by the applicant of the covenants, undertakings, and waiver of claims set out in Schedule 1 hereto, and such other forms as the Board may from time to time require;
- (d) to terminate the employment of any salesman eligible for membership in the Board as an active salesman member who declines to apply for membership or whose application for membership is rejected, or who is suspended or expelled from membership by the Board.

8. An active salesman member has the right to vote for the election of officers and directors and on all other matters before the society.

9. An active salesman member shall be eligible to serve as a director or officer of the Board.

10. An active salesman member may serve and vote on all committees of the Board to which he may be elected or appointed.

ASSOCIATE MEMBER

11. Any bank, trust company, loan company, mortgage company or any branch thereof and any person or financial agent representing any company, and any person or corporation engaged in the business of a valuator or appraiser of real estate is eligible for associate membership in the Board subject to the terms of these by-laws, whether or not the activities of such person or corporation are required to require them to be licensed under the Real Estate Act of the Province of Alberta.

12. An associate member shall not have the right to vote, and shall not have the right to hold office.

ARTICLE 17

13. A person residing and carrying on the business of a real estate agent outside the greater Edmonton area may make application to the Board for a non-resident membership, whether such person is a member of a firm or partnership or a director or officer of a corporation engaged in the real estate business or a manager having a financial interest in such a business or a salesman in the permanent employ of such a business.

14. Non-resident members are not entitled to vote in elections, or to hold office as directors, or to act on committees.

APPLICATIONS FOR MEMBERSHIP

15. Each application for membership shall:
- (a) be made in writing to the secretary;
 - (b) be made on the form from time to time approved by the directors, giving the details, information and particulars requested therein in full;
 - (c) be signed by at least two members of the Board as proposer and seconder respectively.

16. Neither the proposer nor the seconder of an application shall be a director or a member of the membership committee of the Board.

17. Each applicant shall sign the covenants, undertakings and waiver of claims set out in Schedule 1 hereto, containing among other things:

- (a) an irrevocable waiver of claim against the Board or any director, officer, member or agent of the Board for any act done in connection with the business of the Board and particularly as to its or their acts in electing or failing to elect him as a member or disciplining him as a member or expelling him from membership;

- (b) an undertaking to observe the by-laws, the Code of Ethics, and the rules of professional conduct of the Board and acknowledged that he has read and thoroughly understands the same;
- (c) an undertaking to submit disputes with any other member over commissions or any other matter the directors consider appropriate for arbitration to arbitration by the arbitration committee and to accept the arbitration committee's decision as final and binding.

18. Each application for membership shall be mailed or personally delivered, addressed to the Secretary of the Board at the offices of the Board.

19. Each application shall be accompanied by:

- (a) the covenants, undertakings and waiver of claims in the form set out in Schedule I hereto; and
- (b) cash or cheque payable to the Board covering the entrance fee from time to time fixed by the Directors and approved by the membership in accordance with these by-laws.

20. In the case of an application for membership as an active agent member, the applicant shall also submit:-

- (a) a signed covenant in the form set out in Schedule II that he maintains the necessary records and real estate trust account as required by the Real Estate Agents' Licensing Act;
- (b) a signed covenant in the form set out in Schedule II to terminate the employment of any salesman entitled for membership in the Board as an active sales member who declines to apply for membership, or who is expelled from the membership in the Board.

- suspended or expelled from membership by the Board;
- (c) a "Certificate of Solvency" signed by the auditors of the Edmonton Real Estate Board or by a firm of chartered accountants which certifies that the applicant's current assets were equal to or exceeded the applicant's current liabilities on an audited financial statement of the applicant within the immediately preceding 12 months and that the applicant maintains a real estate trust account which is not impaired and is in proper order.

21. For the purpose of obtaining a "Certificate of Solvency" an applicant for active agent membership may deliver directly to the auditors of the Board the most recent audited financial statement of the applicant covering a complete fiscal year.

22. The applicant's audited financial statement shall be treated as confidential and privileged information in the hands of the auditors of the Board.

23. The contents of the applicant's financial statement shall not be made known by the auditors to any director or member of the Board, or to any other person without written authorization of the applicant.

24. If the auditors of the Board are unable to issue a Certificate of Solvency to an applicant his financial statement shall be returned to him by the said auditors and the auditors shall advise the directors that they are unable to issue a Certificate of Solvency to the applicant.

25. An applicant for membership as an active agent member instead of applying to the auditors of the Board for a Certificate of Solvency may provide a Certificate of Solvency signed by a firm of chartered

accounts if such Certificate is in the form approved by the Board.

26. If an applicant is unable to produce a Certificate of Solvency, the directors shall refuse the application for membership.

27. Each application for any class of membership together with the names of the proposer and the seconder shall be submitted by the Secretary:

- (a) to the membership committee for its consideration; and
- (b) by mail to each member of the Board.

28. The membership committee shall:

- (a) make such investigation covering an applicant as appears necessary in their discretion; and
- (b) submit its recommendations to the directors.

29. Any member who desires to make any comments considering the desirability or otherwise of admitting an applicant to membership may submit his comments in writing to the Secretary.

30. No application for membership shall be dealt with by the directors until:

- (a) the directors have received the report of the membership committee; and
- (b) at least six days have elapsed from the date of mailing to the membership notice of the said application.

31. The directors shall consider each application together with the report of the membership committee and such letters as may have been received from the membership approving or disapproving the applicant, and in their discretion may approve or reject any application, and in particular without limiting the generality of the foregoing they may reject an application if in their opinion the principal business interest of the applicant is some business other than the real

estate business, or the real estate and insurance business.

32. If an application is approved by a two-thirds majority vote of those directors present at a regularly called directors meeting, the applicant shall be declared elected to membership in the Board.

33. If a third or more of the votes are dissenting, the application for membership shall be refused but in such case it may in the discretion of the directors be referred to the whole membership.

34. If an application for membership is referred by the directors to the membership it shall be voted upon by secret ballot of the members at the next regular or special meeting of the membership.

35. The ballots on such an application shall be counted immediately following the meeting by three members of the membership committee or in the absence, by three active members of the Board selected by the Chairman of the meeting who shall be assisted in either case by the Secretary if present.

36. If ten (10%) per cent of the votes cast on any such application are opposed to the admission of the applicant, then the application shall be rejected.

37. The Secretary shall notify each applicant whether his application is accepted or rejected not later than one (1) week following the meeting of the directors at which it is dealt with or not later than one (1) week following the holding of the ballot, as the case may be.

38. Where an application for membership as an active salesman member is rejected, the Secretary shall notify in writing both the applicant and the active agent member who employs the applicant, that:-

(a) the application for membership is rejected; and

- (b) the employment of the applicant as a real estate salesman by the active agent member shall be terminated effective not later than six weeks following the date the Secretary's notice is dated and mailed.

39. The active agent member shall terminate the employment of each salesman whose application for membership is rejected as soon as reasonably possible, and in any event termination shall be effective not later than 6 weeks following the date of the Secretary's notice that the application for membership was rejected.

40. The number of votes for and against any application shall be treated as confidential in the hands of the Secretary and the directors and shall not be disclosed to members of the Board.

41. Membership in the Board is personal and not transferable.

42. All classes of members other than associate members shall hold a license in good standing under "The Real Estate Agents' Licensing Act" for the Province of Alberta or such other act or regulations as may from time to time be substituted therefor entitling the person to transact the business of real estate in the Province of Alberta as a real estate agent or as a real estate salesman.

43. If any member of the Board organizes a new business, or materially alters the circumstances which existed when he was elected to membership, or changes his business associations his membership shall terminate and he shall apply for membership in the same manner as a new applicant.

44. When an applicant is elected to membership by the directors, the Secretary shall issue to him a Certificate of Membership bearing the signatures of the President, the Secretary and the applicant.

45. Each member shall display his Certificate of Membership conspicuously in his place of business.

46. Each Certificate of Membership is the property of the Association and the person to whom it is issued shall return it to the Secretary upon termination of his membership.

MEMBERSHIP FEES AND DUES

47. The amount of the entrance fees and the amount of the annual dues for membership shall be determined from time to time by the directors and approved at the following general meeting of the members.

48. The entrance fees and dues so determined shall remain in effect from year to year until amended by the directors and approved by a general meeting of the members.

49. Entrance fees shall be payable in advance at the time of submission of the application for membership.

50. Entrance fees tendered by unsuccessful applicants shall be returned in full to such applicants within thirty (30) days of the rejection of the application.

51. Annual dues cover the calendar year and are payable annually in advance.

52. The dues payable for the first year of membership of an applicant shall be ascertained by charging one-twelfth ($1/12$) of the annual dues for each month or part of a month remaining after the date of election to membership up to December 31st, of that year.

53. The Secretary shall send to each member a notice stating the amount of the annual dues, which notice shall be sent approximately one (1) month before the end of each calendar year.

54. If annual dues are not paid on or before the 15th day of January, or if any other amount due to the Board is not paid within

thirty (30) days from the date of the rendering of a statement therefore by the Secretary, the Secretary shall send a statement of account bearing the notation "delinquent notice" in red ink.

55. If a member fails to pay any account owing to the Board within a period of two (2) weeks from the date of the delinquent notice he shall cease to be a member in good standing and his membership shall automatically be suspended until such time as the amount due is paid.

56. The Secretary shall forthwith mail to the member by registered mail a notice of his suspension together with a copy of such of these by-laws as relate to the payment of fees.

57. If the suspended member fails to pay the amount due within thirty (30) days from the date of the notice of suspension he shall be automatically expelled from the Board but such expulsion shall not wipe out or discharge any debt due to the Board.

58. Any member suspended or expelled for non-payment of dues or fees may be reinstated:

- (a) upon paying in full all amounts owing to the Board; and
- (b) upon the reinstatement being approved by a two-thirds majority vote of the directors.

RESIGNATION OF MEMBERS

59. Any member may tender his resignation at any time and such resignation shall be considered by the first meeting of the directors following receipt of the resignation.

60. A resignation from membership shall become effective when accepted by the directors.

61. The resignation of a member from the Board shall not relieve or discharge him from any indebtedness to the Board for unpaid dues, assessments or other sums.

62. Membership fees and dues shall be levied to be paid for membership privileges only and no member shall have or acquire any vested interest or property rights in the Board or its property.

EXPULSION OF MEMBERS

63. The directors may expel or suspend from membership in the Board any member who:

- (a) has a receiving order made against him or makes an assignment for the general benefit of his creditors pursuant to the Bankruptcy Act;
- (b) employs or continues to employ a person licensed as a real estate salesman whose application for membership has been refused by the Board or who has been convicted of any crime involving moral turpitude;
- (c) has been found guilty by the discipline committee of acting in such manner as to bring the business of real estate or the name of the Edmonton Real Estate Board into disrepute;
- (d) has been found guilty by the discipline committee of careless or incompetent or unethical dealings unbecoming to a member of the Board;
- (e) has been found guilty by the discipline committee of wilfully violating any by-law;
- (f) has done any act or thing by reason of which the directors are empowered to suspend or expel him pursuant to these by-laws.

ORGANIZATION

64. The government and administration of the Board shall be vested in the President, the Vice-President and nine (9) other

directors elected from the membership of the Board as hereinafter provided and the Immediate Past President who shall hold office ex officio.

65. Except as otherwise provided the directors shall exercise all the powers of the Board.

66. The President may be either an active agent member or an active salesman member.

67. The Vice-President may be either an active agent member or an active salesman member.

68. The President and the Vice-President shall be elected annually for a one year term.

69. The Vice-President and the nine directors shall consist of five active agent members and five active salesman members.

70. In any election of directors:

(a) the nominating committee shall submit a sufficient number of nominations of members of each class to fill the vacancies on the directors available for that class of members;

(b) each voter may vote for as many directors as there are vacancies to be filled irrespective of the class of members to which the voter belongs and irrespective of the class of members to which the candidates for election as directors belong;

(c) the active agent members receiving the highest number of votes shall fill the vacancies for active agent members, notwithstanding that a candidate from another class of members may receive a higher number of votes;

(d) the active salesman members receiving the highest number of votes shall fill the vacancies for active

salesman members notwithstanding; that a candidate from another class of members may receive a higher number of votes.

71. No real estate firm at any time may be represented by more than one director whether the director is an active salesman member or an active agent member.

72. If any director changes from one real estate firm to another during his term of office:

- (a) he shall remain in office if his new firm is not at that time represented by a director; or
- (b) he shall be deemed to have resigned from office as a director if his new firm is already represented by a director.

73. Three (3) directors shall be elected in each year and each of the three (3) shall serve for a term of three (3) years.

74. At the first election nine (9) directors shall be elected, three (3) of whom shall serve for a three (3) year term, three (3) of whom shall serve for a two (2) year term and three (3) of whom shall serve for a one (1) year term, the longest terms being held by the directors receiving the highest number of votes.

75. In each year the directors shall appoint a nominating committee at least four (4) weeks before the annual meeting.

76. The nominating committee shall nominate a President, a Vice-President, and at least three (3) members to fill the three (3) vacancies in the directors in that year and shall obtain the consent in writing of each candidate nominated.

77. Any other member of the Board may be nominated President, Vice-President, or as a director by a nomination paper in which signed by at least five (5) members of the Board in good standing.

bearing the consent in writing of the candidate to the nomination.

78. Voting for the election of President, Vice-President and three (3) other directors shall be done by secret ballot at the annual meeting and such ballots shall be counted by not less than two (2) scrutineers appointed by the chairman of the annual meeting.

79. In the case of a tie vote in any election, another secret ballot shall be called to determine the will of the majority as between the candidates who were tied.

80. Defeated candidates for the office of President shall be deemed to be nominated and are eligible for the office of Vice-President.

81. Defeated candidates for the office of Vice-President shall be deemed to be nominated and are eligible for election as directors.

82. Vacancies in the directors shall be filled by appointment made by the directors until the next annual meeting at which time a member shall be elected to fill the directorship for the remaining year or years if any of the unexpired term.

83. The directors shall meet regularly at such times as they may from time to time affix.

84. The directors in their discretion by resolution may expel any director who is absent without excuse deemed reasonable by the directors from three (3) consecutive meetings or is absent from a substantial number of meetings and shall appoint a member as a director to fill the vacancy thereby created.

85. The directors may appoint or employ an executive secretary and may designate his duties and functions.

86. The directors may employ such other persons as they deem necessary or expedient to properly conduct the activities of the Board.

87. The executive secretary and any other person appointed by the Board shall furnish surety bonds in such amounts as the directors deem necessary or advisable, the cost of which shall be paid out of the funds of the Board.

88. The directors may retain legal counsel to advise the Board and perform such other professional services as the directors may require.

89. The directors shall administer the finances of the Board.

90. The directors shall not:

- (a) incur any obligation or authorize any expenditure in excess of the funds in the treasury of the Board; or
- (b) borrow on behalf of the Board; or
- (c) receive any remuneration for their services as directors without the approval of the Board granted by a meeting of the directors called for the purpose.

DUTIES OF THE PRESIDENT.

91. The President shall:

- (a) preside at all meetings of the directors or of the Board;
- (b) exercise general supervision and direction over the business of the Board;
- (c) direct the efforts of the society to attain the achievement of its objects and the advancement of its objects;
- (d) declare and fill vacancies occurring on any committee for any reason, such as resignation, death or removal from office by the directors;
- (e) appoint temporary substitutes for members of any committee unable to act on any committee for any reason, such as inability to attend;
- (f) ex-officio be a member of all committees of the Board.

receive notice of all committee meetings.

DUTIES OF THE VICE PRESIDENT

92. In the absence of the President the Vice-President shall perform the duties of the President.

DUTIES OF THE IMMEDIATE PAST PRESIDENT

93. The Immediate Past President shall advise the directors and attempt to obtain and facilitate continuity of policy and may vote on any matter before the directors.

DUTIES OF THE EXECUTIVE SECRETARY

94. The Secretary shall:

- (a) manage the offices of the Board subject to the control of the directors;
- (b) act as manager of the business and affairs of the Board and carry out such policies as may be laid down from time to time by the directors;
- (c) work with and assist the President and the directors;
- (d) keep minutes of the meetings of the directors and minutes of general meetings of the Board;
- (e) keep proper books and records of the affairs of the Board which books and records shall be open for examination by any member during the ordinary business hours at the offices of the society;
- (f) give notice of all meetings of directors and all meetings of members to the directors or the members as the case may be;
- (g) have custody of the seal of the society, and ensure that the same is affixed to any document only when authorised by resolution of the directors;
- (h) perform such other duties as may be prescribed from

time to time by the directors.

DUTIES OF DIRECTORS.

95. The Directors shall:

- (a) meet to consider and transact the business of the Society at the call of the President, the Vice-President, or the Secretary.
- (b) have charge of the general conduct of the affairs of the Board and conduct the business of the Board in accordance with its by-laws;
- (c) keep the membership reasonably and properly informed on all matters of concern to the membership in respect of the real estate business;
- (d) secure and represent the views of the membership on all matters affecting the real estate business and on matters of civic, provincial or national interest;
- (e) enforce the provisions of the by-laws, the schedule of commissions, fees and charges, the standards of business practice, and the code of ethics of the Board.

96. Five (5) directors present at any meeting shall constitute a quorum.

97. Decision of the directors shall be established by a majority vote of those present and voting on any question.

98. In the case of a tie the President in addition to his vote as a member of the directors shall have an additional vote as President to break the tie.

99. The directors shall have the jurisdiction and supervision of all disciplinary action taken by the Board or any committee thereof.

100. The directors may reprimand, suspend, expel, make a monetary assessment against or otherwise discipline in their discretion any member of the Board who breaks or fails to observe any by-law of the Board or the Code of Ethics or is guilty of conduct which in the opinion of the Directors will tend to cause discredit to fall upon the Board or upon the real estate business.

101. The directors by a two-third majority vote of those present at any regularly called directors meeting may require a member to file with the auditors of the Board a financial statement or to produce a Certificate of Solvency.

102. If any member within thirty (30) days after receipt of a written request from the directors fails to file a financial statement with the auditors of the Board or fails to produce a Certificate of Solvency, the directors may suspend or expel the said member.

103. If the directors suspect that any member of the Board has infringed these by-laws or if the directors in their discretion otherwise deem it advisable, the directors may require an audit to be made of the books of account of any member of the Board which audit shall be conducted by the auditors of the Board.

104. If the result of the audit discloses compliance by the member with these by-laws and the provisions of the real estate agents licensing act the information obtained in the audit shall not be communicated by the auditors to anyone and the cost of the audit shall be borne by the Board.

105. If the result of the audit discloses irregularities or non-compliance by the member with by-laws of the Board, the auditors shall communicate to the directors full particulars of the irregularity or non-compliance and the cost of the audit may be assessed by the directors against the member.

106. If the member whose books of account are directed to be audited refuses to produce for the inspection of the auditors all his books of account, ledgers, vouchers and records relating thereto or fails to co-operate in a reasonable way with the conduct of the audit, then the director may suspend or expel the said member from membership.

107. The directors may delegate to standing committees or to special committees such of their functions as the directors may from time to time determine.

108. The President with the approval of the directors shall appoint all committees.

109. The President shall be notified of all committee meetings and shall have the right to attend their sessions and take part in their discussions and to vote.

110. Committees shall consist of such number of members as the directors may determine and shall be appointed for such term not in excess of one (1) as the directors may determine.

111. Each committee shall report to the directors when required to do so and annually to the Association.

112. All actions of committees shall be subject to the approval of the directors.

113. Any member of a committee who remains absent from three (3) consecutive meetings of the committee without reasonable cause, may have his appointment to the committee terminated and may be re-elected by the directors in their discretion.

114. At any committee meeting a majority of the committee shall constitute a quorum.

115. If a committee consists of more than nine (9) members, five (5) members shall constitute a quorum, otherwise a majority of

members of the committee shall constitute a quorum.

STANDING COMMITTEES

116. At all times there shall be ten (10) standing committees as follows:

- (a) the appraisal committee;
- (b) the membership committee;
- (c) the program committee;
- (d) the legislation committee;
- (e) the publicity committee;
- (f) the educational committee;
- (g) the finance committee;
- (h) the by-laws committee;
- (i) the discipline committee;
- (j) the arbitration committee;

THE APPRAISAL COMMITTEE

117. The appraisal committee shall only act when requested to do so by the directors.

118. The directors may request the appraisal committee to assist any member of the Board who is experiencing difficulty in making an evaluation or appraisal of real estate.

119. The directors may request the appraisal committee to act when an outside body requests the services of the association for expert opinion on real estate values.

120. The directors at their discretion may charge a fee to any member or outside body or person for the services of the appraisal committee.

MEMBERSHIP COMMITTEE

121. The membership committee shall:

- (a) encourage and promote membership in the Board and plan and conduct the membership campaigns;
- (b) investigate the eligibility and qualifications of applicants and report in writing their approval or disapproval of each applicant to the directors;
- (c) check and record attendance at general meetings of the Board whether annual or special;
- (d) encourage attendance at general meetings by such means as appear effective, including giving special reminders and invitations to attend to members who are regularly absent;
- (e) stimulate interest in the members in the work of the Board;
- (f) function as a sick and visiting member.

122. Each member of the membership committee may be allocated a designated section of the membership as his responsibility.

THE PROGRAM COMMITTEE

123. The program committee shall provide and be responsible for programs, discussions, speakers and entertainment which it considers to be in the best interest and welfare of the Board.

THE LEGISLATION COMMITTEE

124. The legislation committee shall safeguard and promote the interests of real estate agents and salesmen before all legislative and administrative bodies whether municipal, provincial or federal and shall perform such duties pertaining to legislation and regulations as the directors may refer to it.

THE PUBLICITY COMMITTEE

125. The publicity committee shall assemble and secure the

publication of information relative to the affairs of the association and real estate business generally.

THE EDUCATION COMMITTEE

126. The educational committee shall:

- (a) be responsible for all matters relating to the education of the members in connection with the real estate business;
- (b) make recommendations to the directors in all matters of an educational nature;
- (c) arrange educational courses and lectures from time to time with the authority of the directors;
- (d) supervise the library of the Board and assist the Secretary in maintaining the library in an up to date and useful condition so that it may be readily referred to by the membership.

FINANCE COMMITTEE

127. The Treasurer of the Board shall be the Chairman of the Finance Committee.

128. The finance committee shall:

- (a) examine and advise upon all matters relating to the budget, the financial statements and other items affecting the finances of the Board;
- (b) draw up and maintain a budget of estimated receipts and disbursements for the current year at the earliest possible date after the annual meeting;
- (c) responsible for seeing that a monthly financial statement in satisfactory form is prepared for presentation to the directors;

- (d) advise the directors of all matters affecting business of the Board;
- (e) recommend changes in membership fees, and methods of obtaining additional revenue;
- (f) investigate and make recommendations to the directors on suggested disbursements of an unusual nature.

THE BY-LAWS COMMITTEE

129. The By-laws committee shall examine and report to the directors on any proposed amendment to the by-laws, the standards of business practice, the Code of Ethics, or any other practices or forms of a legal nature.

THE DISCIPLINE COMMITTEE

130. The discipline committee shall consider and deal with the complaints relating to infringement of by-laws, ethics, commission charges, fees and deal with discipline of members as hereinafter provided in these by-laws.

THE ARBITRATION COMMITTEE

131. The arbitration committee shall adjudicate complaints arising from differences between members and commission disputes which are referred to it by the directors in accordance with the procedure hereinafter set out in these by-laws.

SPECIAL COMMITTEES

132. The President with the approval of the directors may from time to time appoint special committees to perform special duties.

COMPLAINTS

133. Any person who has a complaint relating to any member of the

Board in the conduct of his business may make the same by giving full particulars in writing to the Secretary of the Board.

134. Each member of the Board shall report in writing to the Secretary any breach of these by-laws or the Code of Ethics or other business conduct of any member of the Board tending to bring discredit on the Board or the real estate business.

135. The Secretary shall forthwith acknowledge receipt of the complaint by letter addressed to the complainant.

136. The Secretary of the Board shall:

- (a) notify the directors of each complaint as soon as reasonably possible; and
- (b) notify the member concerning whom the complaint is filed by a notice in writing with which the Secretary shall enclose a copy of the complaint.

137. The member concerning whom the complaint is filed may forward to the Secretary of the Board an answer in writing in reply to the matter complained of.

138. The Secretary of the Board shall:

- (a) notify the directors at the first reasonable opportunity of any answer so received, and
- (b) mail a copy of the answer to the member who reported the complaint.

139. The directors shall carefully consider all reports of complaints and the answers thereto, if any and may:

- (a) dispose of the matter in their discretion if further consideration or investigation does not appear to be warranted or;
- (b) refer the matter to the discipline committee for an investigation and recommendations; or

- (c) instruct the secretary to refer the matter to the Arbitration Committee if the issue is a commission dispute between members or some similar issue which lends itself to arbitration.

DISCIPLINE COMMITTEE

140. The discipline committee shall consist of five (5) or more members, in the discretion of the directors, and one of the directors shall be named as the chairman of the discipline committee.

141. The discipline committee shall investigate disputes as between members, or as between members of the Board and non-members regarding matters of ethics, business conduct and complaints relating to infringement of by-laws, standards of business procedure, ethics, commission charges and fees and any other matter that may be referred to it by the directors.

142. The chairman of the committee may assign any three (3) members to consider and deal with any complaint.

143. The discipline committee shall consider and deal with each matter referred to it as quickly as is reasonably possible.

144. The discipline committee in its discretion may obtain and consider evidence from parties and witnesses by any or all of the following means:

- (a) signed statements in writing which are not sworn;
- (b) affidavits or statutory declarations;
- (c) oral evidence which is not sworn, and
- (d) oral evidence on oath or affirmation.

145. The committee may request any person submitting evidence in writing to supply such number of copies as the discipline committee may designate.

146. The discipline committee shall supply to the member or

members whose conduct is complained of one copy of such statement, affidavit or statutory declaration obtained from any complainant or witness.

147. In any case where the discipline committee decides to hear oral evidence each member concerning whom any complaint has been made shall be entitled to be present and to question any witness.

148. Unless the member whose conduct is complained of consents to lesser notice the discipline committee shall give at least five (5) days notice in writing of the date, time and place of each sitting of the committee to hear evidence, and each member whose conduct is complained of shall have a reasonable opportunity to attend if he so desires.

150. Where one member of the Board makes a complaint against another member of the Board, the directors in their discretion may require the complainant to pay to the Board the sum of Twenty-five (\$25.00) Dollars before the directors refer the matter to the discipline committee for investigation.

151. In such case if the discipline committee finds the complaint to be justified the directors shall refund the sum of Twenty-five (\$25.00) Dollars to the complainant.

152. In the event that the complaint is found not to be justified by the discipline committee then the directors in their discretion may either refund the Twenty-five (\$25.00) Dollars to the complainant or may direct all or any part of the said sum to be credited to the general fund of the Board.

153. The directors in their discretion and in the absence of any complaint from a member or other person may instruct the discipline committee to make such investigations of any member as the directors deem necessary to ascertain whether there has been any breach of a

by-law or of the Code of Ethics.

154. The discipline committee may call before it any member of the Board who shall produce such documents and records as may be requested by the committee within a reasonable period of time to be determined by the committee, and answer questions relating thereto.

155. Where the chairman has referred a matter for investigation to three (3) or more members of the committee and the members after preliminary investigation consider the matter to be of a particularly serious nature, then the members shall report to the Chairman who may direct that the matter be dealt with by the entire discipline committee.

156. If the discipline committee finds that the conduct of any member has given reasonable ground for complaint then the discipline committee shall recommend disciplinary measures to the Board which measures may include that the member in question be reprimanded, be suspended, be directed to take corrective action, be ordered to pay a monetary assessment to the Board, be expelled, or be otherwise disciplined.

157. The findings and recommendations of the discipline committee shall be in writing and shall be signed by the members who investigated the matter.

158. The findings and recommendations of the discipline committee shall be forwarded to the Secretary who shall mail or deliver a copy thereof to each of the directors and the same shall be considered and dealt with at the next ensuing meeting of the directors.

159. The directors shall consider the findings and recommendations of the discipline committee and may in their discretion:

- (a) hear and consider any representations the member whose conduct is complained of may desire to make;

- (b) hear and consider any representations from the affected member committee; and
- (c) take such disciplinary measures as the directors deem proper;
- (1) authorize the Secretary to communicate the findings of the committee and the decision of the directors to the complainant and to the member concerning whom the complaint was made.

160. Where the directors deem it proper to do so they may instruct a member found guilty of a complaint by the discipline committee to take such remedial action as may be required to correct the matter of the complaint, or to bring about a satisfactory and fair settlement of the matter of the complaint, and may allow the member a reasonable period of time which may be fixed by the directors to carry out the action recommended by them.

161. If the member satisfactorily carries out the instructions of the directors to correct the matter of the complaint or to reach a satisfactory and fair settlement, then upon acceptance by the member of such other monetary assessments or disciplinary measures as the directors in their discretion may impose, a member found guilty of the complaint may be continued as a member in good standing.

APPEAL

162. A member of the Board who has been suspended, expelled or otherwise disciplined by the directors has the right to appeal the decision of the directors to a general meeting of the members of the Board but the decision of the directors shall not be varied unless a majority vote of the members of the Board present at a general meeting instructs the directors to do so.

ARBITRATION COMMITTEE

163. The Arbitration Committee shall consist of five (5) or more members in the discretion of the directors.

164. No member of the Arbitration Committee shall serve as an arbitrator in any dispute if he has a personal or a financial interest in the dispute or if he is the employer, the employee, or a business associate of any party to the dispute.

165. All commission disputes arising between members of the Board shall be settled by arbitration by the Arbitration Committee rather than by resorting to suit at law and the decision of the Arbitration Committee shall be final and binding upon all parties to the dispute.

166. Forthwith after the directors refer any matter to the Arbitration Committee, the Secretary shall:

- (a) obtain from the member reporting the complaint and from the member concerning whom the complaint is made a "consent to arbitration" signed by each of the said members; and
- (b) obtain from the complainant the sum of \$25.00; and
- (c) in any matter involving immediate payment to the Board of all monies in dispute for distribution after the arbitration in accordance with the award of the arbitrators;

and in no case shall the arbitration Committee commence to act until all of the above requirements have been complied with.

167. If any member of the Board declines to sign the "consent to arbitration" or to pay to the Board any monies held by him which are the subject matter of a dispute the directors may suspend or expel such member or take such other disciplinary action as the directors may deem proper.

168. The "consent to arbitration" shall be in the form set out in Schedule III to these by-laws or in a similar form acceptable to the directors.

169. The arbitration committee has jurisdiction and shall arbitrate complaints or differences between members only in cases where:

- (a) the matter has been referred to the arbitration committee by the directors;
- (b) all members who are parties to the arbitration have signed the form of consent to arbitration agreeing;
 - (i) to abide by the findings of the arbitration committee; and
 - (ii) not to have recourse to any other tribunal; and
 - (iii) to pay all costs of the arbitration proceedings in accordance with the award of the arbitration committee.

170. The Arbitration Committee shall consider and deal with the dispute as quickly as is reasonably possible.

171. The Arbitration Committee in its discretion may obtain and consider evidence from parties and witnesses by any or all of the following means:

- (a) signed statements in writing which are not sworn;
- (b) affidavits or statutory declarations;
- (c) oral evidence which is not sworn;
- (d) oral evidence on oath or affirmation.

172. Any party submitting evidence in writing should supply such number of copies as the Arbitration Committee may designate.

173. The Arbitration Committee shall supply to each member who is a party to the arbitration one (1) copy of each statement, affidavit or statutory declaration obtained from any other party or witness.

174. In any case where the Arbitration Committee decides to hear oral evidence, all members who are parties to the arbitration shall be entitled to be present and to question any witness.

175. Unless the parties consent to lesser notice, the Arbitration Committee shall give at least five (5) days notice, in writing or otherwise of the date, time and place of each sitting of the committee to hear evidence and shall give to each member who is a party a reasonable opportunity to attend if he so desires.

176. Any member who is a party may appear and give evidence or question witnesses on his own behalf.

177. The parties to the arbitration and their witnesses shall submit to examination on oath or affirmation in relation to the matters in dispute if the arbitrators in their discretion so require subject to any valid legal objection, and shall produce before the arbitrators all books, deeds, papers, accounts, writings and documents within their possession or power respectively, which may be required or called for, and do all other things in relation to the matters in dispute that the arbitrators may require.

178. The Arbitration Committee is not bound to observe the legal rules of evidence but shall endeavour to resolve the dispute with fairness, justice and equity according to established standards of practice and ethics in the real estate business and the award of the committee shall not be challenged for failure to conform to judicial formalities and strict rules of law.

179. The decision of the Arbitration Committee shall be in writing and be signed by the members of the committee.

180. The Arbitration Committee shall forward its decision to the Secretary of the Board as soon as reasonably possible and in any event not more than 14 days after the decision is made.

181. The Secretary of the Board shall forward forthwith to each member who is a party to the arbitration:

- (a) a copy of the decision bearing the seal of the Board and the signature of the Secretary;
- (b) a cheque for such portion of the monies in dispute as the Arbitration Committee may have awarded to the said party deducting therefrom such costs in connection with the arbitration as the party may have been ordered to pay.

182. If the complainant is successful his \$25.00 cheque shall be refunded to him and if unsuccessful, the Board may retain all or any part of the said sum of \$25.00 on account of costs which the complainant has been ordered to pay by the Arbitration Board.

183. If the amount of the costs awarded by the Arbitration Board exceed \$25.00 the balance due may be assessed against the complainant and collected as a debt due to the Board in the same manner as fees, dues or any other assessment.

184. The proceedings of the Arbitration Committee shall be recorded in a book kept for the purpose in which it shall be entered:

- (a) a summary of each dispute;
- (b) the decision of the arbitration committee.

185. The Arbitration Committee in its discretion may include in the record book the grounds for its decision if it sees fit to do so.

186. In the event that anything arises during the course of the arbitration which is not provided for in these by-laws, then the provisions of the Arbitration Act, being Chapter 111 of the revised Statutes of Alberta 1942, as amended, shall apply in so far as they apply or can be made applicable, the necessary modifications being made.

FUNCTIONS OF THE BOARD

187. The directors in their discretion may create divisions of the Board corresponding to different branches of the real estate business in order to give members who specialize in such branches an opportunity for consideration and discussion of common problems.

FISCAL YEAR

188. The fiscal year of the Board shall correspond to the calendar year.

RULES OF ORDER

189. Roberts' Rules of Order shall be observed and followed for procedures governing meetings of the Board, the Directors, and standing and special committees except where the same conflicts with these by-laws in which case these by-laws shall prevail.

CODE OF ETHICS

190. All members shall conform to and observe the Code of Ethics and standards of business conduct as set out in Schedule IV to these by-laws which Code is deemed to be part of these by-laws.

AMENDMENTS

191. These by-laws shall not be rescinded, altered or added to except by extraordinary resolution of the Board.

192. The Secretary shall give at least fifteen clear days' notice by mail specifying the date, time and place of the general meeting at which the extraordinary resolution will be proposed and specifying the intention to propose the resolution as an extraordinary resolution.

193. An extraordinary resolution shall be passed by a majority not less than 3/4ths of such members entitled to vote as are at the meeting at the meeting.

ARTICLE 13

194. The annual meeting of the Board shall be held on the 4th Monday in January in each year, the place and hour to be fixed by the directors and notified to the members by the Secretary.

195. The accounts of the Board shall be audited annually in advance of each annual meeting by the firm of chartered accountants appointed at the immediately preceding annual meeting.

196. Monthly meetings of the Board shall be held on the 2nd Monday in each month or on such other date as the directors may determine but no monthly meetings need be held during the months of July and August.

197. Special Meetings of the Board may be called by resolution of the directors, and shall be called by the President upon the written request:

- (a) of two or more directors; or
- (b) of ten (10) members of the Board.

198. The Secretary shall mail at least five clear days' notice of each meeting of the Board to each member addressed to the address of that member as shown by the books of the Board, except in the case of a special meeting or a meeting at which an extraordinary resolution is to be proposed in which case the Secretary shall give fifteen days' notice to each member.

199. The order of business at Board meetings when not altered by the President shall be as follows:

- (a) reading and approving the Minutes of the preceding meeting;
- (b) reports of standing committees;
- (c) reports of special committees;
- (d) notices of motion;

(e) unfinished business;

(f) general business and new business.

200. The President or the directors may determine the time and place for any meeting of the Board. A quorum for a meeting of the Board shall consist of twenty (20) active members or 20% of the active membership whichever is the lesser.

201. Voting on all matters unless otherwise specifically provide shall be by a show of hands unless a vote by ballot is called for by two or more members.

202. Voting by proxy is not permitted at meetings of the Board or of the directors or of any committees.

PRIVILEGES AND OBLIGATIONS

203. Where an active agent member is a member of a firm, partnership or corporation each member of the firm, partnership or corporation licensed as a nominee of that firm, partnership or corporation shall apply for active agent membership in the Board.

204. An active agent member shall not employ a real estate salesman except for a trial period not exceeding two months, unless the salesman:

(a) has had at least 6 months prior experience as a real estate salesman; or

(b) has attended all classes of one full course of the Edmonton Real Estate Board Educational Training & Guidance Course; or

(c) obtains from the directors an exemption in writing from the requirements of this section.

205. No member of the Board shall publish any classified advertising which does not comply with all of the following limitations,

namely:

- (a) Sub Headings - one line only with a maximum type of 10 pt caps;
- (b) Body of the Ad with no white space and with a maximum type size to be 6 pt caps;
- (c) firm name limited to two lines with a maximum type size of 14 pt caps;
- (d) one six point cap space to be allowed between each individual ad.

206. Active agent members and associate members shall report in writing to the Secretary forthwith any change in control or ownership of the business of such member.

207. The directors in their discretion may terminate the membership of any person as a result of changes in control or ownership of the business of that member.

208. The members of the Board shall pledge themselves to aid in enforcement of its by-laws including the Code of Ethics, standards of business practice, and the scale of commission and fees and shall use all in their power to further the aims and objects of the Board.

209. Any member having been expelled for any cause shall be eligible for membership only in the manner proscribed for new members and after such waiting period as the directors may fix in each particular case.

210. The firm, partnership or corporation with which a member is associated in the real estate business shall be deemed to be subject to the by-laws of the Board.

211. Any violation of the by-laws of the Board by the firm, partnership or corporation or any of its members or employees shall be deemed to be a violation on the part of the member or members

representing such firm, partnership or corporation on the Board and the member or members shall be responsible for the actions of their firm, partnership or corporation unless he or they are able to show to the satisfaction of the directors that the violation was without his or their knowledge or consent.

212. In the event of winding up or dissolution of the Board distribution of the assets of the Board shall be made to some charitable association designated at a special meeting called for the purpose.

COMMISSION SCHEDULE

213. Members of the Board shall use the Commission Schedule of the Alberta Real Estate Association set out in Schedule V to these by-laws which is deemed to be part of these by-laws.

COVENANTS, UNDERTAKINGS AND WAIVER OF CLAIMS
By Applicant for Membership

To the Edmonton Real Estate Board:

1. I acknowledge that I have read and thoroughly understand the Objects, the By-laws, and the Code of Ethics of the Edmonton Real Estate Board and in particular the procedure for complaints, discipline and arbitration of disputes, and I thoroughly understand the same.

2. In consideration of the Edmonton Real Estate Board considering my application for membership or admitting me to membership in the Board I hereby irrevocably covenant, undertake and agree:-

- (a) to observe the By-laws, the Code of Ethics, and the Schedule of Commissions and Fees of the Board as they may be established or amended from time to time;
- (b) to refer all disputes, between myself and any other member, over commissions or other matters that the directors consider appropriate for arbitration, to arbitration by the Arbitration Committee;
- (c) to pay to the Board all monies in dispute in any arbitration before commencement of the arbitration;
- (d) to abide by the findings of the Arbitration Committee and not to have recourse to any other tribunal;
- (e) to pay all costs of arbitration proceedings that I may be directed by the Arbitration Committee to pay;
- (f) that the discipline provisions set out in the by-laws may be applied against me if I fail to observe any provision of the by-laws or the Code of Ethics;

- (g) that the Directors may suspend or expel me from membership or make a monetary assessment against me or otherwise discipline me in accordance with the by-laws if they find I have violated any provisions of the by-laws or the Code of Ethics;
- (h) to pay each monetary assessment levied against me by the Directors, and that the Board may recover the same as a debt due to the Board;
- (i) that I hereby waive, release and forever discharge the Edmonton Real Estate Board, its directors, officers, members, servants and agents from all claims, suits, actions, causes of action and demands of whatsoever nature arising directly or indirectly in connection with my application for membership, or my membership in the Board or any arbitration or discipline procedure that may be taken or purport to be taken pursuant to the by-laws of the Board that affect me or my business, or in connection with any other act done by or on behalf of or relating to the business of the Board.

IN WITNESS WHEREOF I have hereunto set my hand and seal this

day of _____, A.D. 19__.

Signature of Applicant

Witness

SCHEDULE II

ADDITIONAL COVENANTS BY
APPLICANT FOR
ACTIVE AGENT MEMBERSHIP

To the Edmonton Real Estate Board:

In consideration of the Edmonton Real Estate Board considering my application for membership or admitting me to active agent membership in the board I covenant and agree:

- (a) that I maintain and will continue to maintain all necessary records and the real estate trust account required by the Real Estate Agent's Licensing Act;
- (b) that I will terminate the employment of any salesman I employ who declines to apply for membership in the Board, or whose application for Membership is rejected, or who is suspended or expelled from membership by the Board.

IN WITNESS WHEREOF I have hereunto set my hand and seal the
_____ day of _____, A.D. 19____.

Signature of Applicant

Witness

CONSENT III

EDMONTON REAL ESTATE BOARD

Consent to Arbitration

The undersigned, being a member of the Edmonton Real Estate Board, hereby agrees that the matter in issue between the undersigned and _____ may be referred by the Directors to the Arbitration Committee in accordance with the constitution and by-laws of the Edmonton Real Estate Board and, pursuant thereto, the undersigned agrees:

- (a) to abide by the findings of the Arbitration Committee
- (b) not to have recourse to any other tribunal
- (c) to pay all costs of the arbitration proceedings in accordance with the award of the Arbitration Committee

Signature

Witness

and his opinion then should be rendered in accordance with strict professional courtesy and integrity.

ARTICLE 6. A Realtor should never seek information about a competitor's transaction to use for the purpose of closing the transaction himself or diverting the customer to another property.

ARTICLE 7. When a Realtor accepts a listing from another broker, the agency of the broker who offers the listing should be respected until it has expired and the property has come to the attention of the accepting Realtor from a different source, or until the owner, without solicitation, offers to list with the accepting Realtor; furthermore, such listing should not be passed on to a third broker without the consent of the listing broker.

ARTICLE 8. Negotiations concerning property which is listed with one Realtor exclusively should be carried on with the listing broker, not with the owner.

ARTICLE 9. The schedules of fees established by the various real estate boards are believed to represent fair compensation for services rendered in their communities and should be observed by every Realtor.

ARTICLE 10. A realtor should not solicit the services of any employee in the organization of a fellow-Realtor without the knowledge of the employer.

ARTICLE 11. No sign should ever be placed on any property by a Realtor without the consent of the owner.

PART II

RELATIONS TO CLIENTS

ARTICLE 12. In justice to those who place their interests in his hands, the Realtor should endeavour always to be informed regarding the law, proposed legislation, and other essential facts and public policies which affect those interests.

ARTICLE 13. In accepting the agency for any property, the Realtor pledges himself to be fair to purchaser or tenant, as well as to the owner whom he represents and whose interests he should protect and promote as he would his own.

ARTICLE 14. A Realtor should not buy for himself property listed with him, nor should he acquire any interest therein, without first making his true position clearly known to the listing owner.

ARTICLE 15. When asked for an appraisal of real property or an opinion on a real estate problem, the Realtor should never give an unconsidered answer; his counsel constitutes a professional service which he should render in writing over his signature and only after having ascertained and weighed the facts, for which he should make a fair charge. The Realtor should not undertake to give an appraisal on any property in which he is in any way interested whatsoever, unless such interest is specially disclosed in the appraisal report, and under no circumstances should he undertake to give an appraisal or opinion when his employment is contingent upon the amount of his appraisal or the character of his opinion.

ARTICLE 16. The Realtor should encourage the naming of the actual or an obviously nominal consideration in a deed.

ARTICLE 17. When acting as agent in the management of property, A Realtor should not accept any commission, rebate, or profit on expenditures made for the owner, without his full knowledge and consent.

ARTICLE 18. The exclusive listing of property should be urged and practiced by a Realtor as a means of eliminating misunderstanding and dissensions and assuring better service to the owner.

ARTICLE 19. The acceptance by a Realtor of an exclusive listing imposes the obligation of rendering skilled and conscientious service; when a Realtor is unable to render such services either himself or with the aid of his fellow-Realtors, he should not accept the listing.

ARTICLE 20. Before offering a property listed with him by the owner, it is the Realtor's duty to advise the owner honestly and intelligently regarding its fair market value.

PART III

RELATION TO CUSTOMERS AND THE PUBLIC

ARTICLE 21. It is the duty of every Realtor to protect the public against fraud, misrepresentation or unethical practices in connection with real estate transactions.

ARTICLE 22. Property should be offered by a Realtor solely on its merit without exaggeration, concealment, or any form of deception or misleading representation.

ARTICLE 23. It is the duty of a Realtor to ascertain all pertinent facts concerning every property for which he accepts the agency, so that in offering the property he may avoid error,

exaggeration, and misrepresentation.

ARTICLE 24. A Realtor should never offer a property without the authorization of the owner.

ARTICLE 25. The price at which a Realtor offers a property should not be higher than that which the owner has openly agreed to take.

ARTICLE 26. Before a Realtor buys for a client property in the ownership of which the Realtor has an interest he should disclose his interest to all parties to the transaction.

ARTICLE 27. Before a Realtor sells property in the ownership of which he is interested, he should make it clear to the purchaser that he is acting solely for the owner.

ARTICLE 28. A Realtor when acting as a broker should make it clear for which party he is acting, and he should not receive compensation from more than one party except with the full knowledge and consent of all parties to the transaction.

ARTICLE 29. Under no circumstances should a Realtor permit any property in his charge to be used for illegal or immoral purposes.

ARTICLE 30. In closing transactions, the Realtor should advise the use of legal counsel when the interest of any party to the transaction appears to require it; and in all cases he should exercise care in the preparation of documents so that they shall embody the exact agreements reached.

ARTICLE 31. At the time the agreement is reached as to the terms of a transaction the Realtor should fully inform each party regarding commissions and other expenses to which each is respectively liable.

ARTICLE 32. Before the closing of a transaction, the Realtor should recommend the examination of title and conveyancing papers.

ARTICLE 33. All contracts and agreements to which a Realtor is a party should be made in writing and should be complete and exact.

ARTICLE 34. A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, whose presence will clearly be detrimental to property values in that neighborhood.

ARTICLE 35. No instructions nor inducements from any client or customer relieve the Realtor from his responsibility strictly to observe this Code of Ethics.

COMMISSION SCHEDULE

1. IMPROVED URBAN PROPERTY:

On all sales not less than 5% of the total purchase price up to \$50,000 and not less than 3% on balance of the purchase price, with a minimum commission of \$100.

2. UNIMPROVED URBAN PROPERTY:

5% with a minimum charge of \$50.00.

3. SUBURBAN ACREAGE AND LOTS OUTSIDE URBAN LIMITS:

On all sales not less than 10%, minimum charge of \$50.00.

4. FARM LANDS:

Where the total price is less than \$1,000, a minimum commission of \$100, otherwise \$1.00 per acre for land at \$20 per acre or less, and 5% on all land at a price in excess of \$20 per acre, except in the case of Company Contracts.

5. ON THE SALE OF STOCKS OF MERCHANDISE, FINEFURS, FURNITURE, CLOTHING AND GENERAL MERCHANDISE IN EXCESS OF \$100.00:

5% on the total amount of the sale, minimum of \$100.

6. EXCHANGES:

In case of exchanges of property, the full commission on both of the two properties shall be charged, said commission to be paid by both parties in proportion to the values of the respective properties exchanged.

It should be clearly recognized that full commission can only be charged on both properties when both properties are actually listed under a signed listing, either general or exclusive. If there is no signed listing on one of the properties, the commission can only be collected on that property if the owner thereof voluntarily agrees to paying commission thereon.

7. LOANS:

On all private loans not less than 2% with a minimum of \$10 plus conveyancing and inspection fee.

8. LEASES:

(a) COMMERCIAL PROPERTY (STORES, BUSINESS SPACE, OFFICE SPACE, WAREHOUSE SPACE):

On leases not less than 5% of the first year's rent, and not less than 2% of the gross amount of rent to be paid in subsequent year with not less than 2% of the gross amount to be paid on any renewal of any original Lease.

(b) HAY:

Not less than 10% of the consideration, with a minimum charge of \$10.

(c) FARMS:

Not less than 5% of each year's rental, with a minimum charge of \$50.00.

(d) GROUND:

Terms of 15 years or less on total rent covered by lease, not less than 2%.

Where property is subject to a re-appraisal during the life of lease, charge to be computed for full term on basis of the average annual rental for the first five years.

Ground leases exceeding 15 years, on the appraised value of property at date of making lease, not less than 2%.

If more than one appraisal is mentioned in the lease, then the percentage is to be figured on an average of

the appraised value specified.

- (e) RESIDENTIAL PROPERTY (Where rental is not collected by agent):

For a monthly tenant where the rental is up to and including \$50, minimum charge \$10.00.

For a monthly tenant where the rental is from \$51 and not more than \$75, minimum charge \$15.00.

For a monthly tenant where the rental is over \$75, minimum charge \$20.00.

It is also provided that, where the property is leased, double the above charges shall apply, plus conveyancing fees.

- (f) FOR NEGOTIATING AND MAKING LEASES WHERE RENTS ARE COLLECTED BY AGENT:

For negotiating and making leases and for the renewal of old leases, in addition to the amount expended for advertising, the charges shall be in accord with the circumstances and services rendered, the minimum charge to be \$15.

SPECIAL NOTE:

In every case, should there be a clause in the lease giving the lessee an option to purchase the property, and should he avail himself of said option, the owner is to pay the agent the regular sales commission on purchase price paid, when sale is closed.

In every case where a tenant has privilege for renewal expressed in the lease, it is to be understood that the owner of the property shall pay commission for said renewal at the same rate as though the lease,

when first written, had covered the whole term.

The commission is to be paid at the time of renewal.

(g) COLLECTION OF RENTS:

Not less than 5% on rents collected with a minimum charge of \$1.00 per month, except business and apartment blocks with an annual rental exceeding \$25,000 which may be specifically rated. Where property is turned over to an agent on which the rent is in arrears a charge of 10% shall be made on the amount of the arrears when the property is handed over.

In addition to the above charges, the fees for the supervision of repairs and on disbursements shall be fixed by each individual agent according to the services rendered.

9. COLLECTION ON AGREEMENTS AND MORTGAGES:

Not less than \$1.00 per payment or more than 5% shall be charged.

10. COLLECTION OF GENERAL ACCOUNTS:

Not less than 5% on all amounts collected, provided, however, that in special cases of collections of principal on agreements or mortgages, where no book accounts are kept it shall be a matter for special arrangement in each case.

11. APPRAISALS:

(a) The fees for appraisals on RESIDENTIAL PROPERTY, Suburban Acreage and Residential Lots shall not be less than as follows:

On amounts up to \$5,000	\$15.00
From \$5,000 to \$10,000	20.00
From \$10,000 to \$15,000	30.00

From \$15,000 to \$25,000 40.00

On amounts from \$25,000 to \$100,000 an additional \$1.00 per Thousand with a further charge of 50¢ per Thousand on amounts over \$100,000.

This does not prevent any member from making an extra charge for special work.

These rates are not obligatory in case of valuations made for Trust or Loan Companies for the purpose of arranging a Mortgage Loan.

(b) The fees for appraisal of COMMERCIAL AND INDUSTRIAL PROPERTY of all types shall not be less than as follows:

On amounts up to \$5,000	\$25.00
From \$5,000 to \$10,000	40.00
From \$10,000 to \$15,000	60.00
From \$15,000 to \$25,000	75.00

Minimum charge of \$25.00.

On amounts over \$25,000 an additional \$1.00 per \$1,000. An additional charge should be made for detailed written reports and additional charges for special work, mileage expenses, etc.

In connection with large commercial properties, the charge is to be based on the amount of time and effort required to make the appraisal, and on the reason the appraisal is required.

42. SALVAGE OF PROPERTY FOR SALE AND PURCHASE BY MEMBERS:

A rate of not less than 5% commission shall be charged on any amounts from \$500 upwards, and the minimum charge on any sale shall be \$25.

13. EXPERT TESTIMONY AND OPINIONS:

Charges for expert testimony and for opinions shall be made according to the extent of services rendered, but shall in no case be less than \$50 for each day or part thereof, but this shall not apply to Assessment Appeals, or Rent Control hearing, the charge for which shall be made subject to special arrangements. This charge is to be made whether spent in Court, private hearing, investigations or research.

In case expert testimony or an opinion involves a valuation, appraisal fees as in the appraisal section should be charged, in addition.

14. OPTIONS TO BUY PROPERTY WHERE SECURED BY A BROKER:

(a) If a consideration, cash or otherwise, has been paid for an option arranged by a broker, and the option is not exercised, the broker shall charge the principal granting the option one-half of the consideration received, but in no event shall this amount exceed the sale commission to which the Broker would have been entitled had the option been exercised.

(b) If a Broker is engaged by a prospective purchaser to secure options for which only a nominal consideration, or none, is paid, the Broker should have an agreement in advance for compensation by the prospective purchaser, and he shall charge compensation accordingly, whether the options are exercised or not.

W H Cunningham Name W. H. Cunningham
Secretary Occupation Gen. M. L. L.
Edmonton Real Estate Board Address 101

W H Cunningham Name W. H. Cunningham
Secretary Occupation Gen. Manager
Edmonton Real Estate Board Address 101 54 - 103

W H Cunningham Name W. H. Cunningham
Secretary Occupation Gen. Manager
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Edmonton Real Estate Board Address 101 54 - 103

W H Cunningham Name W. H. Cunningham
Secretary Occupation Gen. Manager
Edmonton Real Estate Board Address 101 54 - 103

I, Grace Forbes, of the City of Edmonton, in the Province of Alberta, being the Secretary of the Edmonton Real Estate Board Co-operative Listing Bureau Limited, hereby certify that the document attached is a true and exact copy of the revised Supplemental By-Laws passed unanimously at a general meeting of the Edmonton Real Estate Board Co-operative Listing Bureau Limited, held at the City of Edmonton in the Province of Alberta on the 17th day of December, 1954, for the purpose of passing the said revised Supplemental By-Laws. Dated at the City of Edmonton in the Province of Alberta, this 18th day of December, A. D. 1954.

Grace Forbes,
Secretary
Edmonton Real Estate Board Co-operative
Listing Bureau Limited

Sworn before me at the City of Edmonton in the Province of Alberta
this 18th day of December, A. D. 1954.

P. G. Wilson
A Commissioner for Oaths in and for the
Province of Alberta.

REGISTERED
SUPERVISOR OF CO-OPERATIVE ASSOCIATIONS
DEC 23 57
DEC 30 1957
THE REGISTRATION
JOINT STOCK COMPANY

SUPPLEMENTAL BY-LAWS OF
EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED.

1. NAME: THE EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED
(hereinafter referred to as "the Bureau.")
2. GOVERNING BODY: The government of the Bureau shall be vested in a Board of Directors consisting of NINE (9) active Members to be elected for a three year term by a majority vote of the Members of the Bureau in accordance with the Standard By-Laws under the Co-Operative Associations Act, 1946.

It shall be the duty of the said Board of Directors to direct and supervise the business of the Bureau and they shall exercise all such powers as are not required to be exercised by the Bureau in General Meeting.

They may, at their discretion, institute sales and advertising promotion, prescribe standard forms to be used by the Bureau Members, legislate Inspection and Appraisal procedure and formulate such other Rules and Regulations from time to time deemed necessary in the best interest of the Bureau Members.
3. ELIGIBILITY:
 - (1) Applicant shall be and shall have been a licensed Real Estate Agency in the City of Edmonton for at least SIX (6) months prior to date of application and shall be a paid-up Member of the Edmonton Real Estate Board in good standing.
 - (2) Membership in the Bureau shall not be transferable except with the approval of the majority of the Board of Directors of the Bureau.
 - (3) In the event of a Member of the Bureau ceasing to become a Member of the Edmonton Real Estate Board for any reason whatsoever, his Membership in the Bureau shall cease and terminate as of the same date his Membership in the Edmonton Real Estate Board terminates and there shall be no refund made to him of his Entry fee.
4. ENTRY FEE: \$300.00 with application - Entry fee shall be non-returnable when application has been accepted by the Board of Directors and approved by a majority vote of the Members present at a general meeting of the Bureau.
5. LISTINGS: The Listing Broker must:
 - (a) Secure a Co-Operative Listing Contract, in triplicate, on the authorized form, signed by the Owner and Spouse, for a minimum period of 45 days. The Bureau shall not accept a listing unless same has been signed by the Registered Owner or Owners or Owner or Owners under

(Notice)

(b) Within TWENTY-FOUR (24) hours (Sundays and holidays excepted) of the Listing Broker's receipt of such signed listing, one copy of each listing must be received by the Bureau office. Such listing must give all data available and as full and accurate a description of the property as possible with any additional information on the property to be forwarded as soon as procurable. The date and hour signed to be shown on the listing.

(c) The Listing Broker must give immediate notice by telephone, confirmed in writing within TWENTY-FOUR (24) hours, of any change in price, terms, conditions, or application for cancellation of any listing, on the prescribed forms.

(d) When a Member Salesman takes a Co-Op Listing he is duty bound to inform the Listing Owner that should there be a general listing in force on his property that the Co-Op Listing takes precedence over the general listing or listings and that the Firms holding general listings should be advised accordingly by the Vendor.

(e) The Bureau will, forthwith, upon receipt of a Co-Operative Listing write a letter of appreciation on the Bureau's letterhead, to the person or persons listing their property for sale, which letter will include a list of the names of the Members of the Bureau.

(Listing Fee)

(f) The Listing Broker shall pay \$2.00 for each listing when filed with the Bureau.

(Renewals)

(g) If a listing is renewed by the original Listing Broker and the Listing Broker notifies the Bureau two days before the listing expires, the listing may be extended for any length of time without charge (otherwise a charge of \$2.00 will be made.)

(h) If re-listed with the Bureau by another Bureau Member it shall be considered a new listing with the minimum term of 45 days with the regular charge of \$2.00 to apply.

(Cancellation)

(i) No Co-Operative listing can be cancelled before expiry date unless cancellation is recommended by the Listing Broker and approved by a majority vote of the Board of Directors present at any Board meeting.

(j) Before a cancellation application will be considered by the Board of Directors, the prescribed Application Form must be signed by the Owner or Owners of the property on which the request for cancellation has been made, which form requires that "The said property will not be sold for a period of NINETY (90) days from the signing hereof, and if it is sold, or an offer for sale is accepted by me/us during the said period, I/We agree to pay you the full sales commission as provided in the listing signed by me/us".

SALES:

(a) Commission shall be charged at the rate of 7% of the sale price up to \$50,000.00. On sales exceeding a total sale price of \$50,000.00 any amount over and above \$50,000.00 shall be liable to commission at the rate of 5%.

(Split)

2 $\frac{1}{2}$ % to Listing Broker
4% to Selling Broker
 $\frac{1}{2}$ % to the Bureau

On that portion exceeding \$50,000.00 and liable to 5%, the commission shall be divided as follows:

1 $\frac{3}{4}$ % to Listing Broker
3% to Selling Broker
1 $\frac{1}{4}$ % to the Bureau

(Non-Members)

(b) Members of the Bureau shall be allowed to work with any Licensed Real Estate Agent on the sale of properties listed with the Bureau provided the transaction is handled by the Member Agent and that the commission payable to the Non-Member be not more than 2 $\frac{1}{2}$ %.

(c) In the event of a property listed with the Bureau being sold by a Non-Member Agent or by the Listing Owner direct during the currency of the listing, the Listing Broker, nevertheless, shall be responsible to the Bureau for it's share of commission, provided always that the Board of Directors may, at their discretion, waive such responsibility.

APPOINTMENTS:

(d) All appointments SHALL be made without undue delay by the Listing Broker, except where otherwise indicated.

(e) Cancellation of appointments - when a Sub-Broker is unable to keep an appointment, he shall advise the Listing Broker, or if unable to contact him, he shall advise the Owner or Tenant immediately.

SUBMISSION OF
OFFERS:

(f) Offers to Purchase shall be submitted through the Listing Broker in all cases where instructions so to do are clearly set forth in the copy of the listing when forwarded to the Bureau.

(g) When no specific instructions are contained in the listing, it shall be in order for a Selling Broker or his Salesman to submit an offer directly to an Owner, PROVIDED ALWAYS that the Listing Broker is informed IMMEDIATELY of offers presented and the terms thereof.

(h) A Broker shall without delay submit ALL written Offers to Purchase, supported by a deposit, to the Vendor. In the event that two or more IDENTICAL offers are received, the Broker concerned shall submit same to the Vendor ~~one at a time~~ in the order in which the offers are received.

(i) Under no circumstances may the terms of one offer, which is under consideration, be disclosed as a means of obtaining a better offer from someone else. The Broker concerned shall not disclose these terms to any one other than the Owner, including other Brokers, his own Salesmen or their prospects. AN OFFER TO PURCHASE IS A CONFIDENTIAL DOCUMENT AND SHOULD BE SO TREATED.

(Deposits):

(j) The full deposit shall be turned over to the Listing Broker with the Offer to Purchase unless otherwise mutually agreed upon between the Selling Broker and the Listing Broker. Deposits should be at least 10% of the sale price. All cheques should be certified as soon as possible.

(k) The documents shall be prepared at the direction of the Listing Broker unless otherwise mutually agreed between Listing and Selling Broker.

(1) Place of Sale) (i) Notice of sale must be given by telephone by the Listing Broker to the Bureau at the earliest possible moment, followed in writing within 24 hours on the prescribed form (Sundays and holidays excepted).

7. ADVERTISING: (a) The Listing Broker shall have the exclusive right to all advertising of the property. The Listing Broker may authorize other Members to advertise a property.

(Signs) (b) In respect to the placing of signs on properties listed with the Bureau, the Listing Broker only shall be permitted to place his "For Sale" sign on a property. A "SOLD" sign must be placed by the Selling Broker in the name of the Bureau only.

8. AMENDMENTS: (a) These Supplemental By-Laws may be amended by a majority vote of the active Members of the Bureau in good standing present at any regular Membership meeting or at any special meeting called for that purpose, PROVIDED at least TEN (10) days notice of such intention to repeal, alter or amend the said By-Laws has been given.

9. VOTING: (a) A Member Agency in good standing shall have one vote only at any General or Annual meeting. This vote may be registered by the Principal of that Member Agency, or in his absence, by one other duly appointed Alternative. PROVIDED ALWAYS that the Alternative is a Member of said Agency and a Member in good standing of the Edmonton Real Estate Board,

(b) Notification of any duly appointed Alternative shall be in writing and filed with the Bureau office at least TEN (10) days before the said Alternative may exercise voting privileges.

(c) Termination of Alternative voting privileges shall be in writing and filed with the Bureau office.

(d) Notwithstanding anything to the contrary herein contained, a duly appointed Alternative may be elected to the Board of Directors of the Bureau, provided always that should his voting privileges and his Alternative appointment be terminated, he shall forthwith resign as a Member of the Board of Directors and his office shall be declared vacant.

10. SURPLUS FUNDS: Surplus funds, may, on the recommendation of the Board of Directors of the Bureau, be utilized for purposes other than the necessary expenditures to insure the continued operation of the Bureau, providing the recommendation of the Board of Directors is approved by a majority of the Members of the Bureau present at any general meeting, PROVIDED HOWEVER, that in no event shall any part of the Income of the Bureau be payable to or otherwise available for the personal benefit of any Member thereof.

11. PENALTIES: Failure to comply with these Supplemental By-Laws or failure to abide by the Code of Ethics of the Edmonton Real Estate Board shall render the offending Member liable to Fines, Suspension or Exclusion from the Edmonton Real Estate Board Co-Operative Listing Bureau. The power to Fine, Suspend, Expel or otherwise discipline a Member shall lie within the Board of Directors by a majority vote. The Member shall be given an opportunity for a hearing.

My dear Mr. [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

Yours truly
Margd. [unclear]

ADDRESS OF PROPERTY:

LEGAL: Lot _____ Block _____ Plan _____ Sub. _____

VENDOR:

G.A. 2-6046

Res. G.A. 2-6046 5th

Address: T.J. Mark's

Phone: Bus. _____

Lawyer: 11143-110A Ave.

Phone: _____

Lawyer: Don Bowen

GL5-9266

Res. G.A. 2-6046 5th

PURCHASER:

Mr. & Mrs. Ted Van Gunset

Phone: Bus. _____

Address: 11127-123rd St.

Employed at: _____

Lawyer: P.E. Stewart

Phone: GL4-3581

12421-118th Ave, Edmonton

GL4-3512

SELLING PRICE:

\$ 13,900

Adjustment Date: July 1, 1963

Possession Date: July 1, 1963

MORTGAGE DETAILS:

New Mortgage: _____ Increase: _____ Existing: _____

Name of Company _____ Amount: _____

Other Mortgages (A/S) _____ Amount: _____

Amount: _____

ACCOUNTING DEPARTMENT

DEPOSITS COLLECTED:

Date: June 5 \$ 500.00

\$ _____

FUNDS PAID OUT:

Date Amount Ck. No. Payable To:

1/1/63 13000 T.J. Mark's

1/1/63 13000 T.J. Mark's

1/1/63 13000 T.J. Mark's

1/1/63 13000 T.J. Mark's

1/1/63 13000 T.J. Mark's

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1/1/63 13000 T.J. Mark's

1/1/63 13000 T.J. Mark's

1/1/63 13000 T.J. Mark's

TOTAL COMMISSION ON SALE: \$ 500.00

Comm. payable other firms:

McIntyre \$ 347.50 726.57

Adjustments: \$ 69.50 35.71

M. L. S. (1/2 of 1%) \$ 69.50 35.71

Total Comm. Paid Out \$ 556.00

Net \$ 556.00

Less 5% advg. 27.80

Net comm. to be distributed \$ 528.20

Salesman: B. Phillips 204.10

Salesman: G. J. Company 211.20

Salesman: G. J. Company 211.20

Salesman: G. J. Company 211.20

Salesman: G. J. Company 211.20

Salesman: G. J. Company 211.20

Salesman: G. J. Company 211.20

Salesman: G. J. Company 211.20

Salesman: G. J. Company 211.20

Salesman: G. J. Company 211.20

Listed By: _____

Purchasers Obtained: _____

BRANCH SALE _____ Br. Manager: _____

PHILIPPI, J. L.
9916 - 96th Ave. EDMONTON, Alta.

COMMENTS:

Jan 10, 1961.	To advance	200.00	
" 20,	" "	100.00	
" 10,	To E.R.E.B. Luncheon	1.00	
" 31,	To group insurance	8.50	
Feb. 9,	To advance	200.00	
" 24,	" "	100.00	
" 1,	Group insurance	8.50	
" 28,	Antoniak - Stordahl		112.50
" "	Group - 11 March		200.00
Mar. 1,	Advance	100.00	
" 21,	Advance	100.00	
" 1,	Group ins.	8.50	
Apr. 10,	Advance	150.00	
" 14,	"	50.00	
" 25,	"	200.00	
" 30,	Peterson, Bolduan - Kassian		20.75
" 30,	Group ins.	8.50	
May 10,	Advance	200.00	
" 15,	E.R.E.B. Membership fees	11.00	
" 25,	Advance	200.00	
1st,	Group ins.	8.50	
June 12,	Advance	200.00	
" 26,	"	200.00	
June 30,	Muculak - Desrosiers		162.50
" 30,	Desrosiers - Hoffbert		202.50
" "	Peterson, Bolduan - Kassian	3.57	
" "	Fleck - Huestix		100.00
" "	Jensen - Erders		200.00
" "	Col. (Erders) Stepiak		100.00
" 1,	Group ins.	8.50	
July 11,	Advance	150.00	
" "	"	200.00	
" 27,	"	100.00	
" 31,	Jensen - Erders	24.66	
" 1st,	Group insurance	8.50	
Aug. 11,	Advance	150.00	
" 31,	Campbell - Lister		50.00
" "	Posner - Sluka		76.00
" 25,	Advance	100.00	
" 31,	To roses	8.25	
" 1st,	Group insurance	8.50	
Sept. 8,	Advance	150.00	
" 14,	"	50.00	

PHILLIPS - P. 3.
CONTINUED FROM PAGE ONE. (COMPLETEDS)

Sept. 25/61	Advance	300.00	
" 1.	Group Ins.	8.50	
" 30,	To roses	7.00	
Oct. 11,	Advance	150.00	
" 21,	"	50.00	
" 25,	"	100.00	
" 31,	Davidson - Lindberg.		95.00
" 31,	Korzenly - Belt		128.59
" 1.	To group ins.	8.50	
" 28,	To surety bond	10.00	
Nov. 3rd.	Advance	100.00	
"	"	200.00	
" 30,	Wapite - Ashmore		190.00
" 1.	Group ins.	8.50	
" 27,	"	200.00	
" 30,	Globe Constr.-Helfrich		53.60
" 30,	Hladych - McDonald		344.37
" 30,	Smart - Todd		190.00
Dec. 12,	Advance	200.00	
" 30,	Palech - Ventura		174.80
" 22,	Advance	100.00	
" 28,	Advance	150.00	
" 30,	Col. (Baker) Hennig		199.50
" 30,	" " Foreman		32.12
Dec. 1st	Group Insurance	8.50	
" 30,	To roses	8.00	
Jan. 11, 1962:	Advance	200.00	
" 26,	1962 Membership fees	11.30	
" 31,	Advance	150.00	
" 31,	Smith - Lucius		280.00
" 31,	Shydlowshio - McCarthy		320.63
" 1st.	Group Ins.	8.50	
Feb. 12,	advance	150.00	
" 26,	"	200.00	
" 1st.	Group ins.	8.50	
Mar. 12,	Advance	200.00	
" 27,	"	150.00	
" 1st.	Group ins.	8.50	
Apr. 13,	Advance	100.00	
" 26,	"	100.00	
Apr. 1st.	Group Insurance	8.50	
" 30,	To roses	.50	
May 1st.	Advance	100.00	
" 10.	"	200.00	
" 25,	"	200.00	
March 31,	McCarshall - Moc		302.81
April 30,	Col(Hennig) Foxenon		32.00

PHILLIPS, P. J. (COMPLETEDS)

May 31,	Quality - McCann	47.50
" "	Chagrin - Elliott	100.00
" "	Gouchie - Morgan	132.05
" "	Group Ins.	8.50
" 8,	Advance	150.00
June 15,	"	100.00
" 25,	"	200.00
" 1st.	Group Ins.	3.50
" 30,	Cruzynsnyr - Lybeck	64.60
" 30,	Seir - Ubell	25.20
" "	Sanoffield - Stewart	172.19
" "	Peterson - Boering	167.71
" 30,	New Way Holdings - Trach	285.00
July 10,	Advance	150.00
" 25,	"	150.00
June 30th.	Quality - McCann	2.00
July 31,	Lundich - Patton	100.00
" "	Boering - Schneider	275.30
" "	Group Ins.	8.50
" "	To roses	7.25
Aug. 10th.	Advance	150.00
" 28,	"	200.00
Sept. 10,	"	150.00
" 25,	"	150.00
" 30,	Castle - McGerris	114.00
" 30.	Channey - Dixon	106.93
" 30,	Breen - Taylor	55.64
" 12th.	Mlanda	200.00
" 28,	Timely Land	10.00
" 31,	Christenson - Pigeau	308.75
Sept. 30,	Coldneson - Isfeld	176.40
Oct. 25,	Advance	200.00
" 31,	Aug., Sept. Oct. Group Ins.	37.50
Nov. 12th.	Advance	200.00
" 26,	"	150.00
Nov. 30,	Group Ins.	12.50
Dec. 31,	Advance	150.00
" 31,	Goodman - Carlier	95.31
" "	Group Ins.	12.50
" 31,	To roses	15.00
" "	Fowler - Heggie	112.22
" "	Christenson - Goertz	181.87
" "	Wapiti - Dubois	237.32
" "	Col(Mabate) Lamsie	147.03
" "	Lave - Lavoie	320.00

PRINCE - P. J. (COMMITTEE)

Dec. 31	Levoir - Pullishy		332.50
" "	Col(Pullishy) Burnett		23.27
<u>Jan. 2, 1945</u>	Advance	100.00	
Jan. 30th.	"	150.00	
" 25,	"	100.00	
" 31,	Spring - Sargent		56.00
" 31	Bank - Ellis		74.10
" "	Group Ins.	12.50	
" "	P.R.R. Workshop	11.00	
Feb. 13,	To Father's Pension	2.50	
" "	To group Ins.	12.50	
" "	To roses	1.00	
Mar. 14,	Advance	150.00	
" "	Chogren - Hilrott		51.55
" "	To group Ins.	12.50	
Apr. 6th	Advance	100.00	
" "	"	50.00	
" "	"	50.00	
" "	To group ins.	12.50	
Apr. 30th.	Marchuk - Pyle		228.00
" 17.	Advance	100.00	
" 31.	To advance	100.00	
May 31,	Debrle - Smith		325.37
" "	Austin - Seitz		216.12
" "	Group Ins.	12.50	
" "	To roses	2.50	
Jun 11,	To advance	150.00	
" 22,	" "	100.00	
" 29,	Thompson - Ozis		150.50
" 29,	Group Ins.	12.50	
" 29,	To interest for June	7.50	
July 11,	Advance	25.00	
" 31,	Martin - Gallace		180.50
Jul. 31,	Group Ins.	12.50	
" "	Interest for July	6.25	
Aug. 9th.	Advance	100.00	
" 17	"	200.00	
" 21,	Group Ins.	12.50	
" 31,	To interest for Aug.	6.25	
Sept. 10	Advance	150.00	
" 22	"	100.00	
" 30	Rosbery - McMillan		204.00
" 30,	Group Ins.	12.50	
Sept. 30.	To interest for Sept.	6.25	
Oct. 1st.	Advance	100.00	
" 18th.	To advance	50.00	
" 31,	Sawaduck - Dorack		320.02
" 17,	Lincoln	1.00	

PHILLIPS, R. J. (COMPLETTELL)

Oct. 28,	Real estate bond	10.00	
" 11,	Group Ins.	12.50	
" "	To interest for Oct.	7.54	
Nov. 19	Thompson - Ozis	6.87	
" 21,	To advance	200.00	
" 19,	To lunchroom	1.00	
" 29,	Group Ins.	12.50	
" 30,	To interest	8.68	
Dec. 24,	To advance	150.00	
" "	Miles - Murray		28.96
" "	Birtkus - Litrop		209.00
" "	Steparych - Bartkus		190.00
" 31,	To group ins.	12.50	
JAN 2, 1964	Advance	50.00	
" 31,	Group Ins.	12.50	
Dec. 31,	To interest for Dec/63.	7.40	
Jan. 31,	To interest for Jan/64.	7.72	
FEB. 28,	Bartkus - Litrop	20.00	
" 12th.	E.R.E.B. - membership	11.00	
" 28,	Group Ins.	12.50	
Mar. 19	" "	12.50	
" 31,	To interest for March	8.97	
" 31	" " for Feb.	8.07	
Apr. 17,	Dittner - Yeninsky		125.83
" 30,	To group ins.	32.07	
May 29,	Public Trs.-Zipherweld		32.07
Nov. 30/64	Marks - Van Gunset		135.72

MARKS, R. J. (PENDING)

PENDING:

Sept. 30, 1963 Cel Mortgage - (Dick) Radio

142.50

Aug. 31, 1964 Marks - Van Guseet

135.72

CR. 27

Nov. 30/64 Marks - Van Guseet

135.72

CR. 14

PHILLIPS - R. J.

9916 - 99th Ave. EDMONTON, Alta.

COMPLEMENTS:

			<u>MONTH</u>	<u>TOTAL</u>
Jan 10, 1961.	To advance	200.00		
" 26,	" "	100.00		
" 10,	To E.R.E.B. Luncheon	1.00		
" 31,	To group insurance	8.50	JAN.	NIL
Feb. 9,	To advance	200.00		
" 24,	" "	100.00		
" 1,	Group Insurance	8.50		
" 28,	Antoniuk - Stordahl			
" "	Glove - Hilfrich			
		112.50		
		200.00	FEB.	\$312.
Mar. 1,	Advance	100.00		
" 21,	Advance	100.00		
" 1,	Group ins.	8.50	MAR.	NIL
Apr. 10,	Advance	150.00		
" 14,	"	50.00		
" 25,	"	200.00		
" 30,	Peterson, Boldman - Kassian			
" 30,	Group Ins.	8.50		
		20.75	APR.	\$20.
May 10,	Advance	200.00		
" 15,	E.R.E.B. Membership fees	11.00		
" 25,	Advance	200.00		
" 1st,	Group ins.	8.50	MAY	NIL
June 12,	Advance	200.00		
" 26,	"	200.00		
June 30,	Huculak - Desrosiers			
" 30,	Desrosiers - Hoffbert			
" "	Peterson, Boldman - Kassian	3.37		
" "	Fleck - Maustoir			
" "	Jensen - Enders			
" "	Col. (Enders) Stepniak			
" 1,	Group Ins.	8.50	JUNE	\$1,01
July 11,	Advance	150.00		
" "	"	200.00		
" 27,	"	100.00		
" 31,	Jensen - Enders	24.66		
" 1st,	Group insurance	8.50	JULY	NIL
Aug. 11,	Advance	150.00		
" 31,	Campbell - Lister			
" "	Faszer - Sluka			
" 25,	Advance	200.00		
" 31,	To roses	8.25		
" 1st,	Group insurance	8.50	AUG.	\$10
Sept. 8,	advance	150.00		
" 14,	"	50.00		

PHILLIPS - R. J.
CONTINUED FROM PAGE ONE. (COMPLETEDS)

			MONTH	TOTAL
Sept. 25/61	Advance	300.00		
" 1.	Group Ins.	8.50	SEPT	NIL
" 30,	To roses	7.00		
Oct. 11,	Advance	150.00		
" 21,	"	50.00		
" 25,	"	100.00		
" 31,	Davidson - Lindberg			95.00
" 31,	Kormandy - Bolt			128.59
" 1.	To group ins.	8.50		
" 28,	To surety bond	10.00	OCT	\$223.5
Nov. 3rd.	Advance	100.00		
"	"	200.00		
" 30,	Wapite - Ashmore			190.00
" 1.	Group ins.	8.50		
" 27,	"	200.00		
" 30,	Globe Constr.-Helfrich			53.60
" 30,	Hladych - McDonald			344.37
" 30,	Smart - Todd		NOV.	\$777.9
" 30,	Advance	200.00		
Dec. 12,	Palech - Ventura			174.80
" 30,	Advance	100.00		
" 22,	Advance	150.00		
" 28,	Col. (Baker) Hennig			199.50
" 30,	" " Foreman		DEC.	\$406.-
" 30,	" " Foreman			32.12
Dec. 1st	Group Insurance	8.50		
" 30,	To roses	5.00		
" 30,	Advance	200.00		
Jan. 11, 1962:	1962 Membership fees	11.00		
" 22,	Advance	150.00		
" 26,	Smith - Lucius			280.00
" 31,	Shydlofskie - McCarthy			320.63
" 31,	Group Ins.	8.50	JAN.	\$600
" 1st.	advance	150.00		
Feb. 12,	"	200.00		
" 26,	Group ins.	8.50	FEB.	NIL
" 1st.	Advance	200.00		
Mar. 12,	"	150.00		
" 27,	Group ins.	8.50	MAR.	\$302.
" 1st.	Advance	100.00		
Apr. 13,	"	150.00		
" 26,	Group Insurance	8.50		
Apr. 1st.	To roses	5.00	APR.	\$ 3
" 30,	Advance	100.00		
May 1st.	"	200.00		
" 10.	"	200.00		
" 25,				302.81
March 31,	McCarshall - Moe			32.00
April 30,	Col(Hennig) Foreman			

PHILLIPS, R. J. (COMPLETEDS)

			MONTH	TOTAL
May 31,	Quality - McCann	47.50		
" "	Chagrin - Elliott	100.00		
" "	Gouchie - Morgan	132.05		
" "	Group Ins.	8.50		
" 8,	Advance	150.00		
June 15,	"	100.00		
" 25,	"	200.00	MAY	\$279.
" 1st.	Group Ins.	8.50		
" 30,	Yozzyshyn - Rybeck	64.60		
" 30,	Behr - Uebell	25.20		
" "	Schoffield - Stewart	172.19		
" "	Peterson - Boering	167.71		
" 30,	New Way Holdings - Trach	285.00	JUNE	\$714.
July 10,	Advance	150.00		
" 25,	"	150.00		
June 30th.	Quality - McCann	2.00		
July 31,	Pundick - Patton	190.00		
" "	Boering - Schneider	279.30		
" "	Group Ins.	8.50		
" "	To roses	7.25	JULY	\$469.
Aug. 10th.	Advance	150.00		
" 28,	"	200.00		
Sept. 10,	"	150.00	AUG.	NIL
" 25,	"	150.00		
" 30,	Costie - McGennis	114.00		
" 30.	Charney - Eaton	166.03		
" 30,	Freen - Taylor	35.64		
" 12th.	Advance	200.00		
" 23,	Surety bond	10.00		
" 31,	Christensen - Pigeon	308.75		
Sept. 30,	Coldneson - Isfeld	176.40	SEPT.	\$800.
Oct. 25,	Advance	200.00		
" 31,	Aug., Sept. Oct. Group Ins.	37.50		
Nov. 12th.	Advance	200.00	OCT.	NIL
" 26,	"	150.00		
Nov. 30.	Group Ins.	12.50	NOV.	NIL
Dec. 11.	Advance	150.00		
" 31,	Goodman - Carrier	95.31		
" "	Group Ins.	12.50		
" 31,	To roses	11.00		
" "	Fowler - Hoggie	112.22		
" "	Christensen - Goertz	181.87		
" "	Wapiti - Dubrule	257.32		
" "	Col(Dubrule) Lavoie	147.03		
" "	Love - Leveir	380.00		

PHILLIPS - R. J. (COMPLETERS:)

			MONTH	TOTAL
Dec. 31	Levoir - Pullishy	332.50	DEC.	\$332.50
" "	Col(Pullishy) Munnert	23.27	AV. MTH.	\$295.73
JAN 2, 1964	Advance	100.00		
Jan 10th.	"	150.00		
" 25,	"	100.00		
" 31,	Spring - Sagent	38.00		
" 31	Dorko - Flinsh	74.10		
" "	Group Ins.	12.50		
" "	E.R.E.D. Membership	11.00	JAN.	\$112.50
FEB. 13,	To Beshaw Senger	2.50		
" "	To group Ins.	12.50		
" "	To roses	1.00	FEB.	NIL
Mar. 14,	Advance	150.00		
" "	Chogren - Filrott	51.55		
" "	To group Ins.	12.50	MAR	\$51.55
Apr. 6th	Advance	100.00		
" "	"	50.00		
" "	"	50.00		
" "	To group ins.	12.50		
Apr. 30th.	Marchuk - Pyle	228.00		
" 17.	Advance	100.00		
" 31.	To advance	100.00	APR.	\$228.00
May 31,	Debric - Smith	325.37		
" "	Austin - Seitz	216.12		
" "	Group Ins.	12.50		
" "	To roses	2.50	MAY	\$541.50
June 11,	To advance	150.00		
" 28,	" "	100.00		
" 29,	Thompson - Ozis	166.39		
" 29,	Group Ins.	12.50		
" 29.	To interest for June	7.50	JUNE	\$166.39
July 11,	Advance	25.00		
" 31,	Martin - Gallace	180.50		
Jul. 31,	Group Ins.	12.50		
" "	Interest for July	6.83	JULY	\$180.50
Aug. 9th.	Advance	100.00		
" 27	"	200.00		
" 21,	Group Ins.	12.50		
" 31.	To interest for Aug.	8.38	AUG.	NIL
Sept. 10	Advance	150.00		
" 25	"	100.00		
" 30	Rosebery - McMillan	304.00		
" 30,	Group Ins.	12.50		
Sept. 30.	To interest for Sept.	8.24	SEPT	\$304.00
Oct. 3rd.	Advance	100.00		
" 19th.	To advance	50.00		
" 31,	Sawaduch - Dorach	320.62		
" 17,	Luncheon	1.00		

PHILLIPS, R. J. (COMPLETEDS)

			MONTH	TOT
Oct. 28,	Real estate bond	10.00		
" 31,	Group Ins.	12.50		
" "	To interest for Oct.	7.54	OCT.	\$320.
Nov. 19	Thompson - Ozis	6.57		
" 21,	To advance	200.00		
" 19,	To luncheon	1.00		
" 29,	Group Ins.	12.50		
" 30,	To interest	8.68	NOV.	NIL
Dec. 25,	To advance	150.00		
" "	Miles - Murray	28.98		
" "	Birtkus - Litrop	209.00		
" "	Steparych - Bartkus	190.00	DEC.	\$427.
" 31,	To group ins.	12.50		\$2,332.
JAN 2, 1964	Advance	50.00	AV. MONTHLY	\$194.3
" 31,	Group Ins.	12.50	JAN	NIL
Dec. 31,	To interest for Dec/63.	7.40		
Jan. 31,	To interest for Jan/64.	7.72		
FEB. 28,	Bartkus - Litrop	20.00		
" 12th.	E.R.E.B. - membership	11.00		
" 28,	Group Ins.	12.50	FEB.	NIL
Mar. 19	" "	12.50		
" 31,	To interest for March	8.07		
" 31	" " for Feb.	8.07	MAR	NIL
Apr. 17,	Dittmer - Yeminsky	125.85	APR	\$125.
" 30,	To group ins.	12.50	MAY	32.
May 29.	Public Trs.-Eipkerweld	32.07		DR. 1,504.62
Nov. 30/64	Marks - Van Gunset	135.72		DR. 1,368.97

PHILLIPS, R. J. (PENDINGS)

PENDINGS:

Sept. 30, 1963 Col Mortgage - (Dick) Bodis

142.50

Aug. 31, 1964 Marks - Van Gunset

135.72

CR. 278.22

Nov. 30/64 Marks - Van Gunset

135.72

CR. 142.50

H. R. Kellough Realty Ltd.

Real Estate and Insurance Counsellors

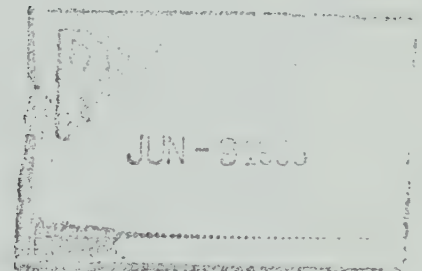
June 8, 1965

MAIN OFFICE
GROUND FLOOR
MCLEOD BUILDING
10009 - 101A AVENUE
EDMONTON

Mr. Kelly Haugen,
Executive Secretary,
Edmonton Real Estate Board,
10515 Princess Elizabeth Avenue,
EDMONTON, Alberta.

Dear Kelly:

Re: Robert J. Philipzyk



At the outset, I should explain that we kept this man on our staff due only to the fact that his wife was extremely ill and the firm carries a very comprehensive policy on its staff members through Aetna Life. The branch managers were unable to get along with him. They were extremely critical of his attitude to the public and his attitude around the office, but by switching him to different branches I was able, in a measure, to keep peace in the family. You will understand my reason for the efforts on his behalf when I explain that he drew \$2,564.52 from Aetna although the University Hospital tells me there is an item of \$320.00 still unpaid. In a couple of cases, we insisted that Mr. Philipzyk endorse the cheques and we mailed them on to their proper source.

His employment began with Trotter, McIntyre and Kellough on October 28th, 1960 and he owes that firm \$165.00. He transferred to Kellough Realty on January 10th, 1961 and I am enclosing an exact copy of his ledger sheets which will show you the money that he drew out as against the money he earned. This leaves him owing the company \$1,253.07. There is one commission that still might come in which you will find on the ledger sheet amounting to \$148.50, but all told, I advanced him \$1,401.57 to the company for which company he earned nothing, and \$1,219.00 in cash from Kellough Realty, and by having him covered by Aetna he received an additional \$1,401.57, and all this apart from being paid in full for everything he earned.

I have heard rumors that this man is running around telling people that he owes me money. I haven't much time to listen to rumors so I said to the other two people who were my employees, who I had a right to complain to them, that the only way he could get the money that I owe him would be to sue me. If he has the gall to tell this type of lies to my employees, I shudder to think what believable of.

page 2

If this does not constitute a breach of ethics of the rankiest type after what I have done for this man, I would see little or no point in us attempting to adhere to any type of a code of ethics. In any event, I want it stated. The figures I gave you can be substantiated and I will produce my branch managers and those sales personnel who are involved and I will gladly open my books to the Board's auditors. There is a good deal more that could be said but I will not make any further comment at this time except that I would appreciate knowing what action, if any, that you are going to take because if it does not come within your jurisdiction then I will attack the situation through the Commissioner of Real Estate using every legal resource that the law affords me to put a stop to this business once and for all.

Very truly yours,

H. R. KENLOUGH REALTY LTD.



H. R. Kenlough
PRESIDENT & MANAGING DIRECTOR

HRK:as
encl.

PHILLIPS - R. J.
9916 - 90th Ave. EDMONTON, Alta.

COMPLETED:

Jan 10, 1961.	To advance	200.00	
" 26,	" "	100.00	
" 10,	To E.R.E.B. Luncheon	1.00	
" 31,	To group insurance	8.50	
Feb. 9,	To advance	200.00	
" 24,	" "	100.00	
" 1,	Group Insurance	8.50	
" 26,	Antoniuk - Stordahl		112.50
" "	Glove - Hilfrich		200.00
Mar. 1,	Advance	100.00	
" 21,	Advance	100.00	
" 1,	Group ins.	8.50	
Apr. 10,	Advance	150.00	
" 14,	"	50.00	
" 23,	"	200.00	
" 30,	Petersen, Doldman - Kassien		20.75
" 30,	Group Ins.	8.50	
May 10,	Advance	200.00	
" 15,	E.R.E.B. Membership fees	11.00	
" 25,	Advance	200.00	
1st,	Group ins.	8.50	
June 12,	Advance	200.00	
" 26,	"	200.00	
June 30,	Muculak - Desrosiers		162.50
" 30,	Desrosiers - Haffert		202.50
" "	Petersen, Dahlman - Kassien	3.57	
" "	Pleck - Hausteir		160.00
" "	Jensen - Enders		209.25
" "	Col. (Enders) Stopyniak		160.00
" 1,	Group Ins.	8.50	
July 11,	Advance	150.00	
" "	"	200.00	
" 27,	"	100.00	
" 31,	Jensen - Enders	24.00	
" 13,	Group insurance	8.50	
" 13,	Advance	150.00	
" 31,	Campbell - Lister		50.00
" "	Forster - Oliva		75.00
" 31,	Advance	200.00	
" 31,	To group	8.50	
" 1st,	Group insurance	8.50	
Aug. 9,	advance	150.00	
" 14,	"	50.00	

PHILLIPS - R. J.
CONTINUED FROM PAGE ONE. (COMPLETEDS)

Sept. 25/61	Advance	300.00	
" 1.	Group Ins.	8.50	
" 30,	To roses	7.00	
Oct. 11,	Advance	150.00	
" 21,	"	50.00	
" 25,	"	100.00	
" 31,	Davidson - Lindberg		95.00
" 31,	Kormendy - Bolt		128.59
" 1.	To group ins.	8.50	
" 28,	To surety bond	10.00	
Nov. 3rd.	Advance	100.00	
"	"	200.00	
" 30,	Wapito - Ashmore		190.00
" 1.	Group ins.	8.50	
" 27,	"	200.00	
" 30,	Globe Constr.-Helfrich		53.60
" 30,	Hladych - McDonald		344.37
" 30,	Smart - Todd		190.00
Dec. 12,	Advance	200.00	
30,	Palech - Ventura		174.80
" 22,	Advance	100.00	
" 28,	Advance	150.00	
" 30,	Col. (Baker) Hennig		199.50
" 30,	" " Foreman		32.12
Dec. 1, st	Group Insurance	8.50	
" 30,	To roses	5.00	
Jan. 11, 1962:	Advance	200.00	
" 22,	1962 Membership fees	11.00	
" 26,	Advance	150.00	
" 31,	Smith - Lucius		280.00
" 31,	Shydrowskie - McCarthy		320.63
" 1st.	Group Ins.	8.50	
Feb. 12,	advance	150.00	
" 26,	"	200.00	
" 1st.	Group ins.	8.50	
Mar. 12,	Advance	200.00	
" 27,	"	150.00	
" 1st.	Group ins.	3.50	
Apr. 13,	Advance	100.00	
" 26,	"	150.00	
Apr. 1st.	Group Insurance	8.50	
" 30,	Tp roses	.50	
May 1st.	Advance	100.00	
" 10.	"	200.00	
" 25,	"	200.00	
March 31,	Marshall - Hoo		302.81
April 30,	Col (Hennig) Foreman		32.00

PHILLIPS, R. J. (COMPLETEDS)

May 31,	Quality - McCann		47.50
" "	Chagrin - Elliott		100.00
" "	Gouchie - Morgan		132.05
" "	Group Ins.	8.50	
" 8.	Advance	150.00	
June 15,	"	100.00	
" 25,	"	200.00	
" 1st.	Group Ins.	8.50	
" 30,	Youzwyshyn - Rybock		64.60
" 30,	Behr - Uebell		25.20
" "	Schoffield - Stewart		172.19
" "	Peterson - Doering		167.71
" 30,	New Way Holdings - Trach		285.00
July 10,	Advance	150.00	
" 25,	"	150.00	
June 30th.	Quality - McCann	2.00	
July 31,	Pundick - Patton		190.00
" "	Doering - Schneider		279.30
" "	Group Ins.	8.50	
" "	To roses	7.25	
Aug. 10th.	Advance	150.00	
" 28,	"	200.00	
Sept. 10,	"	150.00	
" 25,	"	150.00	
" 30,	Costie - McGennis		114.00
" 30.	Chamney - Eaton		166.03
" 30,	Freen - Taylor		35.64
" 12th.	Advance	200.00	
" 28,	Surety bond	10.00	
" 31,	Christenson - Pigeau		308.75
Sept. 30,	Coldmeson - Isfeld		176.40
Oct. 25,	Advance	200.00	
" 31,	Aug., Sept. Oct. Group Ins.	37.50	
Nov. 12th.	Advance	200.00	
" 26,	"	150.00	
Nov. 30.	Group Ins.	12.50	
Dec. 11.	Advance	150.00	
" 31,	Goodman - Cartier		95.31
" "	Group Ins.	12.50	
" 31,	To roses	11.00	
" "	Fowler - Heggio		112.22
" "	Christensen - Gouetz		161.87
" "	Wapiti - Dubrule		257.32
" "	Col(Dubrule) Lavoie		147.03
" "	Love - Loveir		380.00

PHILLIPS - R. J. (COMPLETERS:)

Dec. 31	Levoir - Pullishy		332.50
" "	Col (Pullishy) Mummert		23.27
JAN 2, 1964	Advance	100.00	
Jan 10th.	"	150.00	
" 25,	"	100.00	
" 31,	Spring - Sagent		38.00
" 31	Donko - Flinsh		74.10
" "	Group Ins.	12.50	
" "	E.R.E.B. Membership	11.00	
FEB. 13,	To Bashaw Sememar	2.50	
" "	To group Ins.	12.50	
" "	To roses	1.00	
Mar. 14,	Advance	150.00	
" "	Chogren - Eilrott		51.55
" "	To group Ins.	12.50	
Apr. 6th	Advance	100.00	
" "	"	50.00	
" "	"	50.00	
" "	To group ins.	12.50	
Apr. 30th.	Marchuk - Pyle		228.00
" 17.	Advance	100.00	
" 31.	To advance	100.00	
May 31,	Debrie - Smith		325.37
" "	Austin - Seitz		216.12
" "	Group Ins.	12.50	
" "	To roses	2.50	
June 11,	To advance	150.00	
" 28,	" "	100.00	
" 29,	Thompson - Ozis		166.39
" 29,	Group Ins.	12.50	
" 29.	To interest for June	7.50	
July 11,	Advance	25.00	
" 31,	Martin - Gallace		160.50
Jul. 31,	Group Ins.	12.50	
" "	Interest for July	6.83	
Aug. 1,	Advance	100.00	
" "	"	200.00	
" 31,	Group Ins.	12.50	
" 31.	To interest for Aug.	8.56	
Sept. 10	Advance	150.00	
" 25	"	100.00	
" 30	Rosebery - McMillan		304.00
" 30,	Group Ins.	12.50	
Sept. 30.	To interest for Sept.	8.24	
Oct. 3rd.	Advance	100.00	
" 19th.	To advance	50.00	
" 31,	Saweduch - Dorack		320.62
" 17,	Luncheon	1.00	

PHILLIPS, R. J. (COMPLETEDS)

Oct. 28,	Real estate bond	10.00	
" 31,	Group Ins.	12.50	
" "	To interest for Oct.	7.54	
Nov. 19	Thompson - Ozis	6.57	
" 21,	To advance	200.00	
" 19,	To luncheon	1.00	
" 29,	Group Ins.	12.50	
" 30,	To interest	8.68	
Dec. 23.	To advance	150.00	
" "	Miles - Murray		28.98
" "	Birtkus - Litrop		209.00
" "	Steparyca - Bartkus		190.00
" 31,	To group ins.	12.50	
<u>JAN 2, 1964</u>	Advance	50.00	
" 31,	Group Ins.	12.50	
Dec. 31,	To interest for Dec/63.	7.40	
Jan. 31.	To interest for Jan/64.	7.72	
FEB. 28,	Bartkus - Litrop	20.00	
" 12th.	E.R.E.B. - membership	11.00	
" 28,	Group Ins.	12.50	
Mar. 19	" "	12.50	
" 31,	To interest for March	8.07	
" 31	" " for Feb.	8.07	
Apr. 17,	Dittmer - Yeninsky		125.83
" 30,	To group ins.	12.50	
May 29.	Public Trs.-Zipkerweld		32.07
Nov. 30/64	Marks - Van Gunset		135.72

DR. 1,504.27

DR. 1,368.27

PHILLIPS, R. J. (PENDING)

PENDING:

Sept. 30, 1963 Col Mortgage - (Dick) Bodis

142.50

Aug. 31, 1964 Marks - Van Gunset

135.72

CR. 278.22

Nov. 30/64 Marks - Van Gunset

135.72

CR. 142.50

ANGUS G. MACDONALD, B.A., LL.B.
DEREK SPITZ, B.A., LL.B.
HAROLD W. VEALE, B.A., LL.B.

PHONE: 422-3721

Macdonald & Spitz

BARRISTERS, SOLICITORS and NOTARIES PUBLIC

YOUR FILE:

Weber Building
10013 - 101A Avenue
EDMONTON, ALBERTA
Canada

PLEASE REFER TO FILE NO.: 8184 DS

November 16, 1964

Kellough Realty Ltd.
Ground Floor
McLeod Building
Edmonton, Alberta

Attention: H. R. Kellough

Dear Sir:

Re: Robert J. Philipzyk

We act for Mr. Bob Philipzyk. Our client has requested us to obtain from you a statement of account dealing with commissions earned by our client and all sums paid to our client and further a copy of the Agreement in terms of which our client was employed by your firm.

We should be pleased to receive the above mentioned at your earliest convenience.

yours very truly,

MACDONALD & SPITZ

Per:

DS/vmc

H. R. Kellough Realty Ltd.
Real Estate and Insurance Counsellors

December 3, 1964

MAIN OFFICE
GROUND FLOOR
MCLEOD BUILDING
10009 - 101A AVENUE
EDMONTON

Macdonald & Spitz,
Barristers, Solicitors and Notaries Public,
WEBER BUILDING,
10013 - 101 A Ave.
EDMONTON, Alberta.

Attention: Mr. Derek Spitz:

Dear Sir:

Re: Robert J. Philipzyk (Phillips)

At the outset I must apologize for not having written you immediately that I returned from your office with the above mentioned parties statement. The truth of the matter is I layed it on my desk and it got lost in the shuffle here and I only got down to it this morning.

I believe this statement should be self explanatory as it is an exact replica of our ledger. You will note the statement attached showing some pending credits in the amount of \$278.22. As this money comes in it will be deducted from the \$1,504.69.

I might point out that I feel I have taken an unnecessary amount of abuse from a man that I tried to do the best I could for. His contention is apparently that "I" owe him money. I see only one way of having this aired and that is in a Court of Law so my suggestion is that I sue Mr. Phillips for what he owes me and I would appreciate knowing if you are willing to accept service on his behalf.

Very truly yours,
H. R. KELLOUGH REALTY LTD.,


HOMER R. KELLOUGH
PRESIDENT & MANAGING DIRECTOR.

HRK ; lgv,
encls.

THE EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED



Hallmark of Responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.S.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AVE.
EDMONTON, ALBERTA

July 30th, 1965.

(Dictated July 29th, 1965)

DIRECTORS

VICE-PRESIDENT

J. N. WINTERBURN, F.R.I.
L. WINTERBURN & SON

PAST PRESIDENT

S. G. MCAFEE, F.R.I.
ROYAL TRUST CO.

DARREL BALL
BALL BROTHERS

J. T. CAITHNESS
IMPERIAL REAL ESTATE LTD.

MARK DUBORD
ROYAL REALTY

NEIS GREIDANUS, F.R.I.
GREIDANUS REAL ESTATE

FRED JENSEN
H. R. KELLOUGH REALTY LTD.

MAX KAPLAN
KAPLAN REAL ESTATE

H. K. KING
KING REAL ESTATE LTD.

S. L. MELTON, F.R.I.
MELTON REAL ESTATE LTD.

Mr. H.R. Kellough,
President and Managing Director,
H.R.Kellough Realty Ltd.,
10009-101A. Avenue,
EDMONTON, Alberta.

Re: Mr. R. J. Philipzyk

Dear Homer:

The enclosed copies of correspondence were received from the above noted and from his Agent and were read to the Directors at their July 28th meeting. They have asked me to forward same to you for your information and comments.

Yours truly,

C. (Kelly) Haugen
Executive Secretary

CH/gf

encls.



Edmonton, Alta.

June 29th/75
Ex 123

Mrs. Kerry Hungen

Edmonton Real Estate Board.

Re. Complaint H R Killough.

Dear Kerry.

I do not remember talking to anyone from Killoughs about money owing to me. what he says about money owing to him is not true. and he should not tell other People that it is.

Sincerely

R. D. Philbrick.

BURTON REAL ESTATE

J. P. WALSH, MANAGER

"BE CERTAIN — CALL BURTON"

TELEPHONE 439-1034
439-6200

WELDON BUILDING
8908 - 99 STREET
EDMONTON, ALBERTA

June 29th, 1965.

Mr. Kelly Haugen,
Executive Secretary,
Edmonton Real Estate Board Co-operative Listing Bureau Limited,
10615 - Princess Elizabeth Avenue,
Edmonton, Alta.

Re: Complaint H.R. Kellough

Dear Sir,

I enclose letter from Mr. R. J. Philipsyk regarding the above complaint, which reads as follows - "I do not remember talking to anyone from Kelloughs about money owing to me. What he says about money owing to him is not true and he should not tell other people that it is."

I would like to think that the solution to this complaint would be that the Board would admonish each party to refrain from making any statements about the other, for the future.

In my view it would be unfortunate if the Board should involve itself in a matter concerning advances to salesmen, which of course cannot even be called a commission matter; especially since I have a letter dated December 10th, 1964, in which the Board refused to interfere in a matter of commission owing and not paid by an agent to a salesman.

Sincerely,

BURTON REAL ESTATE

Pat Walsh
J. P. Walsh, Mgr.

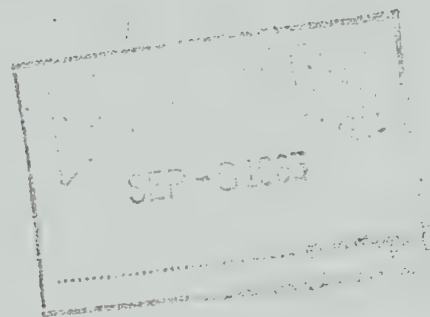
H. R. Kellough Realty Ltd.

Real Estate and Insurance Counsellors

September 7, 1965

MAIN OFFICE
GROUND FLOOR
MCLEOD BUILDING
10009 - 101A AVENUE
EDMONTON

Mr. Kelly Haugen,
Executive Secretary,
Edmonton Real Estate Board,
10515 Princess Elizabeth Avenue,
EDMONTON, Alberta.



Dear Kelly:

Re: Robert J. Philipzyk

When I received copies of Mr. Philipzyk's and Mr. Walsh's reply to you re my complaint, I did not realize that it required an answer. I can only refer you back to my original complaint. I wish to take this opportunity to make it abundantly clear to you that I am not asking the Board to act as a collection agency, I am merely requesting that this man cease his lies which I notice he does not hesitate to put down on paper. Any reply from Mr. Walsh is between him and the Board; my complaint is against Robert J. Philipzyk. I am not complaining because he does not pay me, but to requote the second paragraph of my original letter: "His employment began with Trotter, McIntyre and Kellough on October 28th, 1960 and he owes that firm \$165.00. He transferred to Kellough Realty on January 10th, 1961 and I am enclosing an exact copy of his ledger sheets which will show you the money that he drew out as against the money he earned. This leaves him owing the company \$1,368.97. There is still one commission that still might come in which you will find on the back sheet amounting to \$142.50, but all told, I advanced him \$165.00 in the old company for which company he earned nothing, and \$1,368.97 in Kellough Realty, and by having him covered by Aetna he received an additional \$2,564.52, and all this apart from being paid in full for everything he earned."

The point I wish to make is that one of us is lying about the other and I do not believe that ethically a member in good standing can lie about another member in good standing without the board having a look-see. I did not start this but I surely want it stopped.

continued on page 2

In closing, I again will mention that my books are open to the Board's auditors at any time.

Very truly yours,

H. R. KELLOUGH REALTY LTD.



Homer R. Kellough
PRESIDENT & MANAGING DIRECTOR

HRK:as



THE EDMONTON REAL ESTATE BOARD CO-OPERATIVE LISTING BUREAU LIMITED



Hallmark of responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.A.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AVE
EDMONTON, ALBERTA

December 6th, 1965.

DIRECTORS

VICE-PRESIDENT

J. N. WINTERBURN, F.R.I.
L. WINTERBURN & SON

PAST PRESIDENT

S. G. MCAFEE, F.R.I.
ROYAL TRUST CO.

Mr. H. R. Kellough,
H.R. Kellough Realty Ltd.,
10009-101A. Avenue,
EDMONTON, Alberta.

Re: Mr. Robert J. Philipzyk

DARREL BALL
BALL BROTHERS

Dear Homer:

J. T. CAITHNESS
IMPERIAL REAL ESTATE LTD.

Mr. J.N. Winterburn, F.R.I. Chairman of the Ethics Committee has now been able to set a date at which to hold a hearing on matters at issue between yourself and the above Salesman, now employed with Burton Real Estate.

MARK DUBORD
ROYAL REALTY

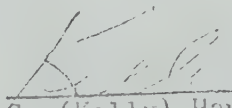
The date Mr. Winterburn has set, which we trust will be suitable to all parties, is Friday, December 17th, 1965 at 4:00 P.M. in the Board Room of the E.R.E.B. building.

NEIS GREIDANUS, F.R.I.
GREIDANUS REAL ESTATE

FRED JENSEN
H. R. KELLOUGH REALTY LTD.

Yours truly,

MAX KAPLAN
KAPLAN REAL ESTATE


C. (Kelly) Haugen
Executive Secretary

H. K. KING
KING REAL ESTATE LTD.

CH/gf

S. L. MELTON, F.R.I.
MELTON REAL ESTATE LTD.





MEMORANDUM OF AGREEMENT made as of the 18th day of January.

A.D. 19 11.

BETWEEN:

H.R. KEILLOUGH REALTY LTD..
a Company incorporated under the
Laws of the Province of Alberta,
(hereinafter called "the Company")

OF THE FIRST PART,

- and -

A. A. Philip
of the City of Edmonton, in the
Province of Alberta, (hereinafter
called "the Employee"),

OF THE SECOND PART.

FOR VALUABLE CONSIDERATION IT IS HEREBY AGREED AS FOLLOWS:

1. The Employee shall during the continuance of his employment hereunder, serve the Company in his present capacity as salesman subject to the control and direction of the manager and/or branch manager for the time being of the Company.
2. The employment of the Employee hereunder shall commence on the date of execution hereof and the Employee agrees that during the continuance of his employment hereunder he will devote the whole of his time, attention and ability to the business of the Company and shall well and faithfully serve the Company and use his best efforts to promote the interests thereof and that until this Agreement shall have been terminated by the Company in pursuance of the provisions hereinafter contained, he will not be interested in, or connected with, any business other than that of the Company as an employee or otherwise howsoever.
3. The remuneration of the Employee hereunder shall be by way of commissions payable by the Company in the manner and at the rates and percentages as may hereinafter be set by the Employer from time to time and subject to the provisions hereinafter set out:
 - (a) The Employee agrees to abide by whatever distribution of shares of commission or fee earned by the Company as shall be decided upon by the Company in the sole and absolute discretion of the officers of the Company.
 - (b) The officers of the Company shall have the sole and absolute discretion and authority in the arranging for, outlining of, and delimiting and demarking of zones of activity for each Employee.
4. The Employee covenants with the Company that he shall not, either during the continuance of his employment hereunder or at any time thereafter, divulge or communicate to any person or persons other than officers or members of the Company any information which he may receive or obtain in relation to the affairs of the Company or any subsidiary or associated Company, or in relation to the listings or prospective purchaser and sellers or prospective clients of the Company or any sub-

sidiary or associated Company (and this paragraph shall apply as well to any listings or prospective purchasers and sellers or prospective clients which may have been obtained in the first instance by the Employee or through his efforts, either directly or indirectly).

5. The Employee covenants with the Company that any and all listings or prospects obtained by him during his employment hereunder shall remain and be the property of the Company after his employment may cease or determine hereunder.

6. This agreement may be terminated by either party on one day's written notice.

7. The benefit and obligation of this agreement shall enure to and be binding upon the successors and assigns of the Company.

8. By listing is meant either oral or written listing agreements and either general or exclusive agreements of all kinds.

9. It is mutually agreed that all cases of dispute between the Company and the Employee shall be settled by arbitration, the Company to appoint one member and the employee to appoint one member, a third member to be appointed by these two (in each case from the officers or employees of the Company and not any one outside the Company; the decision of the majority to be final and binding on both parties hereto.)

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto.

H.R. KELLOUGH REALTY LTD.

Witness

Of the First Part

H. Kellogg

Witness

A. L. R. Kellogg

Of the Second Part

Mr. Bob Phillips

Sept, 1963

North East

1963

Aug. 31.	Balance forward		\$ 1769.90 Pr.
Sept. 10.	To Advance	\$ 150.00	
Sept. 25.	To Advance	100.00	
Sept. 30.	To Group Insurance	12.50	
Sept. 30.	To Int. for September	8.24	
Sept. 30.	By E.E. Sales Commissions		
	Col Mtge (Dick)-Ledis	<u>\$ 304.00</u>	<u>\$ 304.00</u>
Sept. 30.			Balance due.....\$ 1676.64 Pr.

PENDING

Aug. 31. Balance forward \$ 628.94

Sept. Pending

Zawaduck-Dorash 320.62

Col.Mtge(Dick)-

Ledis

142.50

\$ 1092.10

Minus E.E. Sale

Comm (see above)

304.00

Sept. 30. Balance forward \$ 788.10

Bob Phillips

October 1957

North East

Sept. 30	Balance Forward		\$ 1676.64 Dr.
Oct. 5	To Advance	\$ 100.00	
19	To Advance	50.00	
31	Zawaduck - Dorash		\$ 320.62
17	To Luncheon	1.00	
28	Real Estate Bond	10.00	
31	To Group Insurance	12.50	
31	To interest for October	7.54	
31	Balance Forward - - - - -		\$ 1537.06 Dr.

P E N D I N G

Sept. 30	Balance Forward		\$ 738.10 Cr.
Oct. 31	Zawaduck - Dorash	\$ 320.62	
31	Balance Forward - - - - -		\$ 467.48 Cr.

Bob Phillips

November, 1

North East

Oct. 31	Balance Forward		\$ 1537.00 Cr.
N Nov. 19	Thompson - Dzis	\$ 6.57	
21	To Advance	200.00	
19	To Luncheon	1.00	
29	To Group Insurance	12.50	
30	To Interest	8.68	
30	Balance Forward		\$ 1765.61 Cr.

P E N D I N G

Oct. 31	Balance Forward		\$ 407.45 Cr.
Nov. 19	Thompson - Dzis	\$ 6.57	
21	Bartkus - Litrop		209.00
21	Steparyk - Bartkus		190.00
30	Balance Forward		\$ 659.91 Cr.

December 3, 1964

Macdonald & Spitz,
Scribers, Solicitors and Notaries Public,
CMLR BUILDING,
10013 - 101 A Ave.
EDMONTON, Alberta.

Attention: Mr. David Spitz:

Dear Sir:

Re: Robert J. Phillips (Phillips)

At the outset I must apologize for not having written you immediately that I returned from your office with the above mentioned parties statement. The truth of the matter is I layed it on my desk and it got lost in the shuffle here and I only got down to it this morning.

I believe this statement should be self explanatory as it is an exact replica of our ledger. You will note the statement attached showing some pending credits in the amount of \$278.22. As this money comes in it will be deducted from the \$1,504.69.

I might point out that I feel I have taken an unnecessary amount of abuse from a man that I tried to do the best I could for. His contention is apparently that "I" owe him money. I see only one way of having this aired and that is in a Court of Law so my suggestion is that I owe Mr. Phillips for what he owes me and I would appreciate knowing if you are willing to accept service on his behalf.

Very truly yours,
H. R. KELLOUGH REALTY LTD.,

ROBERT R. KELLOUGH
PRESIDENT & MANAGING DIRECTOR.

RRK : lnc,
encs.

Low Billings

Dec. 1944

Jan. 1945

North East Branch

Dec. 31	Balance Forward	1915.91
31	Wiles - Murray	28.98
31	Bartkus - Litrop	209.00
31	Steparyk - Bartkus	190.00
31	To Group Insurance	12.58
Jan. 2/44	To Advance	50.00
31	To Group Insurance	12.50
Dec. 31	To interest for December	7.40
Jan. 31/44	To interest for January	7.72
31	Balance	1977.08

PENDING

June 13	Marks - Van Ganset	264.10
29	Pub. Trustee - Coraley - Vand.	38.47
July 1, 44	Col. (pick) - Ledia	142.50
Jan. 31/44	Total Pending	

Bob Phillips

Feb. 1961

North East

Jan. 31	Balance Forward	1577.95
Feb. 28	Bartkus - Litrop (Adj.)	20.00
12	E.P.L.B. Membership	11.00
28	To Group Insurance	12.50
28	Balance Forward	1621.45

PENDING - \$445.07 Cr.

Bob Phillips

March 1957

North East

Feb. 28	Balance Forward		1021.45
Mar. 31	To Group Insurance	12.50	
31	To Interest for March	8.07	
31	To Interest for February	8.07	
31	Balance Forward		1050.09

PENDINGS

Feb. 28	Balance Forward		445.07 Cr.
Mar. 19	Bittner - Tyminsky	125.83	
31	Total Pendings		570.90 Cr.

Bob Phillips

April 1954

North East

Mar. 31	Balance Forward		\$ 1650.00
Apr. 30	To Group Insurance	12.50	
17	Dittmer - Tyminsky		125.83
30	Balance Forward		1536.70

P E N D I N G

Mar. 31	Balance Forward		\$ 570.90
Apr. 17	Completed as above	125.83	
30	Balance Forward		445.07

R. J. Phillips

May 1964

c/o North East

Apr. 30	Balance Forward	1536.70
May 29	Pub. Trustee - Zyderveld	32.07
31	Balance Forward	1564.09

PENDING

Apr. 30	Balance Forward	445.07
May 29	Pub. Trustee - Zyderveld (Adj.)	38.47
29	" " "	32.07
29	" " "	32.07
31	Balance Forward	406.00

H. R. Kellough Realty Ltd.

Real Estate and Insurance Counsellors

February 14, 1964.

MAIN OFFICE
GROUND FLOOR
MCLEOD BUILDING
10009 - 101A AVENUE
EDMONTON

Mr. R. J. Phillips,
10006 - 84th Avenue,
EDMONTON, Alberta.

Dear Mr. Phillips:

It is with pleasure that we return herewith your copy of the contract which exists between yourself and the company. We feel that we have made a special effort to afford you the maximum protection in paragraph 9 and we want you to know that at any time that you have a disagreement you should not hesitate to invoke this paragraph of your contract.

It is our sincere wish that our association will be a long and pleasant one and that the real estate profession will provide the success that you as an individual desire. It can be truly said of real estate that the higher you set your sights the further you will go and there is no strata of society that is closed to a person in the real estate field.

Very truly yours,

H.R. KELLOUGH REALTY LTD.,

HRK*bw

H. R. Kellough,
President & Managing Director.

encl.

THE EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED



Hallmark of Responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.A.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AV.
EDMONTON, ALBERTA

June 28th, 1965.

DIRECTORS

VICE-PRESIDENT

J. N. WINTERBURN, F.R.I.
L. WINTERBURN & SON

PAST PRESIDENT

S. G. MCAFEE, F.R.I.
ROYAL TRUST CO.

DARREL BALL
BALL BROTHERS

J. T. CAITHNESS
IMPERIAL REAL ESTATE LTD.

MARK DUBORD
ROYAL REALTY

NEIS GREIDANUS, F.R.I.
GREIDANUS REAL ESTATE

FRED JENSEN
H. R. KELLOUGH REALTY LTD.

MAX KAPLAN
KAPLAN REAL ESTATE

H. K. KING
KING REAL ESTATE LTD.

S. L. MELTON, F.R.I.
MELTON REAL ESTATE LTD.

Mr. Robert J. Philipzyk,
Burton Real Estate,
8908 - 99th Street,
EDMONTON, Alberta.

Re: Complaint from Mr. H. R. Kellough
H.R. Kellough Realty Ltd.

Dear Bob:

A written complaint has been received from Mr. H.R. Kellough of H.R. Kellough Realty Ltd., and under Section 181 of our Constitution and By-laws the Directors have instructed me to notify you of the subject matter of this complaint.

Briefly, Mr. Kellough's report outlines that you, in conversation with some of his Employees, have advised them that Mr. Kellough and/or H.R. Kellough Realty Ltd., owe you money which you are unable to collect and for which you must sue Mr. Kellough and/or H.R. Kellough Realty Ltd., if you are to collect same.

Mr. Kellough points out that instead of him and his Firm owing you money you are indebted to his Firm for advances etc., over and above commissions, in the amount of over \$1300.00 and he lodges a formal complaint against you for making these statements and asks that the Directors take steps to see that you cease from making such statements.

Under Section 182 of our Constitution and By-laws, you are requested to forward to this office at your earliest convenience a reply to Mr. Kellough's complaint and we would ask that you forward this reply to the Bureau Office as soon as possible.

A copy of this letter is being forwarded to Mr. Walsh, your Employer, and to Mr. H. R. Kellough.

Yours truly,

C. (Kelly) Haugen
Executive Secretary

"For the development of the community and for the promotion and maintenance of the highest standard of conduct in the transaction of the Real Estate Business."

CH/gf

cc Mr. J.P. Walsh
Mr. H.R. Kellough



Ed. ...
Jan 27/10

Mr. Kelly Hungen
Edmonton Red Star Board

Re. complaint H. H. Killough
Dear Kelly.

I do not remember talking to anyone
from Killough about money making
and what he says about coming
over to him is not true and
should not tell other people what
it is.

Sincerely
A. G. Philbrick

Mr. J. P. Walsh, Manager,
c.c. Burton Real Estate,
8908 - 99 St.
Edmonton, Alberta.

October 4th, 1965.

Mr. Robert J. Philipzyk,
Burton Real Estate,
8908 - 99 Street,
Edmonton, Alberta.

Dear Bob:

RE: H. R. KELLOUGH REALTY LTD.

Please refer to correspondence, particularly our letter dated June 20th, 1965 in which we advised of a complaint from Mr. Kellough of H. R. Kellough Realty Ltd. to the effect that you are alleged to have stated that Mr. Kellough owes you money which you are unable to collect. You replied to our reference letter on June 29th and we also have a letter from Mr. Walsh, your agent, of the same date.

At the last meeting of the Directors of the Edmonton Real Estate Board this whole matter came up for review and in the light of Mr. Kellough's representations that you have been making these statements and that he considers making such statements to be a breach of ethics, the Directors have decided that this matter should be heard by our Ethics Committee.

We will accordingly advise you the time, date and place at which such hearing will be held. We are forwarding a copy of this letter to Mr. Walsh, your employer, though he is in no way involved in the complaint which Mr. Kellough has registered with this Board against you.

Very truly yours,

C. (Kelly) Haugen
Executive Secretary

CH/aw

THE EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED



Hallmark of Responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.A.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AVE
EDMONTON, ALBERTA

October 14th, 1965.

DIRECTORS

VICE-PRESIDENT

J. N. WINTERBURN, F.R.I.
L. WINTERBURN & SON

PAST PRESIDENT

S. G. McAFEE, F.R.I.
ROYAL TRUST CO.

DARREL BALL
BALL BROTHERS

J. T. CAITHNESS
IMPERIAL REAL ESTATE LTD.

MARK DUBORD
ROYAL REALTY

NEIS GREIDANUS, F.R.I.
GREIDANUS REAL ESTATE

FRED JENSEN
H. R. KELLOUGH REALTY LTD.

MAX KAPLAN
KAPLAN REAL ESTATE

H. K. KING
KING REAL ESTATE LTD.

S. L. MELTON, F.R.I.
MELTON REAL ESTATE LTD.

Mr. J. P. Walsh,
Burton Real Estate Ltd.,
211 Windsor Building,
8631 - 109 Street,
Edmonton, Alberta.


Dear Pat,

Re: R.J. Philipzyk and H. R. Kellough
Realty Ltd.

Enclosed please find photostats of Mr. Kellough's correspondence of June 8th and September 7th and also photostats of the ledger sheets as they pertain to Mr. Philipzyk's account.

I hope we can set up a meeting very shortly to complete this matter.

Very truly yours,


C. (Kelly) Haugen
Executive Secretary

Encl.

CH/aw



THE EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED



Markham of Responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.A.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AVE
EDMONTON, ALBERTA

December 24th, 1965.

DIRECTORS

VICE-PRESIDENT

J. N. WINTERBURN, F.R.I.
L. WINTERBURN & SON

PAST PRESIDENT

S. G. MCAFEE, F.R.I.
ROYAL TRUST CO.

DARREL BALL
BALL BROTHERS

J. T. CAITHNESS
IMPERIAL REAL ESTATE LTD.

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GREIDANUS REAL ESTATE

FRED JENSEN
H. R. KELLOUGH REALTY LTD.

MAX KAPLAN
KAPLAN REAL ESTATE

H. K. KING
KING REAL ESTATE LTD.

S. L. MELTON, F.R.I.
MELTON REAL ESTATE LTD.

Mr. Robert J. Philipzyk,
Burton Real Estate,
211 Windsor Building,
8631 - 109th Street,
EDMONTON, Alberta.

Re: Hearing by the Ethics Committee on a
Complaint made by Mr. H. R. Kellough
against Mr. R. J. Philipzyk

Dear Mr. Philipzyk:

The report and recommendations of the duly constituted Ethics Committee on the hearing that was held on December 17th, 1965 on a complaint by Mr. H. R. Kellough against you were considered by the Directors of the Edmonton Real Estate Board at their last meeting and the Directors have now asked that I communicate the findings and decision of the Committee and the decision of the Directors to Mr. Kellough and to you.

It is the unanimous decision of this duly constituted Ethics Committee to the Directors of the Edmonton Real Estate Board that the complaint lodged against you of making derogatory statements against Mr. H. R. Kellough has been established and that this constitutes improper conduct on your part and therefore a violation of the standards of ethical conduct which we require our members to observe. This Committee therefore recommended to the Directors that Mr. Robert J. Philipzyk write a letter of full apology to Mr. Kellough for making such derogatory statements against him, that you be severely reprimanded for your conduct and that you be sternly warned that any further complaints against you will, if substantiated, be dealt with most severely. In addition this Committee recommended to the Directors that your membership in the Edmonton Real Estate Board be reviewed and that you be assessed a fine of \$100.00 payable at once and not later than December 31st, 1965.



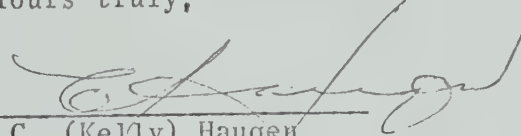
The Directors of the Edmonton Real Estate Board have given these recommendations careful consideration and have given unanimous approval to the recommendations and instruct that you proceed to write a full letter of apology to Mr. H. R. Kellough, and that you pay to the Bureau office the assessed fine of \$100.00 not later than December 31st, 1965.

They have also instructed me and you are hereby severely reprimanded for your conduct against a member of this Board, Mr. H.R. Kellough and are warned that any further complaints, if substantiated, will be dealt with most severely.

I should point out to you at this time that under Section 155 of our Constitution and By-laws you have the right to appeal the decision of the Directors to a general meeting of the members of the Edmonton Real Estate Board.

If it is your intention to make this appeal I would ask that you advise this office in writing so that the usual procedures can be instituted.

Yours truly,



C. (Kelly) Haugen
Executive Secretary

CH/gf

cc Mr. H.R. Kellough

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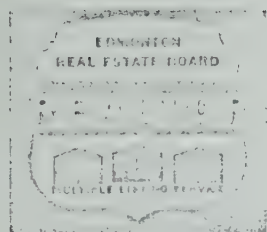
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THE EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED



Markham of Responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.A.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AVE
EDMONTON, ALBERTA

April 29th, 1966.

DIRECTORS

VICE-PRESIDENT

J. N. WINTERBURN, F.R.I.
L. WINTERBURN & SON

PAST PRESIDENT

S. G. McAFEE, F.R.I.
ROYAL TRUST CO.

DARREL BALL
BALL BROTHERS

J. T. CAITHNESS
IMPERIAL REAL ESTATE LTD.

MARK DUBORD
ROYAL REALTY

NEIS GREIDANUS, F.R.I.
GREIDANUS REAL ESTATE

FRED JENSEN
H. R. KELLOUGH REALTY LTD.

MAX KAPLAN
KAPLAN REAL ESTATE

H. K. KING
KING REAL ESTATE LTD.

S. L. MELTON, F.R.I.
MELTON REAL ESTATE LTD.

REGISTERED

Mr. R. J. Philipzyk,
Burton Real Estate,
8631 - 109th Street,
EDMONTON, Alberta.

Re: Your Appeal under Article 155
May 3rd, 1966 - Edmonton Inn

Dear Mr. Philipzyk:

I have been asked by the Directors to write to you once more with respect to the procedures that will be followed when your appeal is heard at the general meeting on May 3rd, 1966 at the Edmonton Inn.

In our letter of April 19th, 1966 we outlined how the appeal would be conducted and that each party would be allowed 10 minutes, after which the Chairman of the Ethics Committee would be allowed 10 minutes. The Directors have given consideration to this matter of the time allowed and have asked me to advise you as follows:

The Member making the appeal will be allowed approximately 15 minutes, after which the Member who made the complaint, that is Mr. Kellough, will also be allotted approximately 15 minutes. The Chairman of the Ethics Committee will then have approximately 15 minutes in which to outline the reasons for the Committee's decision.

This is the only change in the procedure as outlined to you earlier and it is our hope that this matter can be finalized on May 3rd.

Yours truly,

C. (Kelly) Haugen
Executive Secretary

cc Mr. J. P. Walsh

for the development of the community and for the promotion and maintenance of the highest standard of conduct in the transaction of the Real Estate Business."



THE EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED



Hallmark of Responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.A.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AVE.
EDMONTON, ALBERTA

May 12th, 1966.

DOUBLE REGISTERED

DIRECTORS

VICE-PRESIDENT

J. N. WINTERBURN, F.R.I.

L. WINTERBURN & SON

PAST PRESIDENT

S. G. McAfee, F.R.I.

ROYAL TRUST CO.

DARREL BALL
BALL BROTHERS

J. T. CAITHNESS
IMPERIAL REAL ESTATE LTD.

MARK DUBORD
ROYAL REALTY

NEIS GREIDANUS, F.R.I.
GREIDANUS REAL ESTATE

FRED JENSEN
H. R. KELLOUGH REALTY LTD.

MAX KAPLAN
KAPLAN REAL ESTATE

H. K. KING
KING REAL ESTATE LTD.

S. L. MELTON, F.R.I.
MELTON REAL ESTATE LTD.

Mr. R. J. Philipzyk,
Burton Real Estate,
Room 211 - 8631 - 109th Street,
EDMONTON, Alberta.

Re: Your Appeal under Article 155 from the
decision of the Directors on a complaint
by H.R. Kellough.

Dear Mr. Philipzyk:

On December 24th, 1965 I advised you of the results of the Ethics hearing on a complaint made by Mr. H.R. Kellough. In that letter I advised you that the unanimous decision and recommendations of the Ethics Committee had been unanimously approved by the Directors of the Edmonton Real Estate Board and that as a result you were assessed a fine of \$100.00 payable to the Edmonton Real Estate Board not later than December 31st, 1965 and that you were to write a letter of full apology to Mr. Kellough for making derogatory statements against him. I advised you also that you were severely reprimanded for your conduct and that further complaints against you would, if substantiated, be dealt with most severely. In this letter also you were advised of your right of appeal under Article 155 of our Constitution and By-laws and you made this appeal through your Representative Mr. J.P. Walsh.

On May 3rd, 1966 at a duly called general meeting, the Members of the Edmonton Real Estate Board who were present at the appeal on May 3rd, 1966 and who were entitled to vote, voted against granting the appeal and that the decision of the Directors should be upheld.

I am now asked by the Directors of the Edmonton Real Estate Board to instruct you that the penalties assessed against you and communicated to you in my letter of December 24th, 1965



Mr. R. J. Philipzyk

= 2 =

must now be fulfilled and the Directors instruct further that a cheque in the amount of \$100.00, made payable to the Edmonton Real Estate Board, must be received at the offices of the Edmonton Real Estate Board not later than May 18th, 1966 together with a letter of full apology to Mr. H.R. Kellough as outlined in referenced correspondence.

I would in all sincerity ask that you now abide by the decision and instructions of the Directors which are in accordance with our Constitution.

Yours truly,

C. (Kelly) Haugen
Executive Secretary

CH/gf

c/o. Barton Real Est.
8031. 107 St. W.
Edmonton Alberta
May 16th 1966

Mr. Kerry Hengen
Executive Secretary & Director
Edmonton Real Estate Board

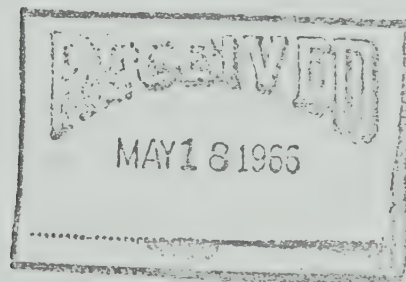
Dear Sir

This will acknowledge receipt of your
Registered Letter dated May 19th 1966.

Thank you

Yours Truly.

R. J. Philipczyk



THE EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED



Markham of Responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.A.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AVE.
EDMONTON, ALBERTA

June 3rd, 1966.

DOUBLE REGISTERED

DIRECTORS

VICE-PRESIDENT

MAX M. KAPLAN
KAPLAN REAL ESTATE

J. N. WINTERBURN, F.R.I.
L. WINTERBURN & SON

S. L. MELTON, F.R.I.
MELTON REAL ESTATE LTD.

MARK DUBORD
ROYAL REALTY

NEIS GREIDANUS, F.R.I.
GREIDANUS REAL ESTATE

H. K. KING
KING REAL ESTATE LTD.

D. H. HELMERS
CUSTOM REAL ESTATE

T. H. DALE F.R.I.
THE DALE REALTY LTD.

GRAHAM DOWNEY F.R.I.
ROYAL TRUST CO.

C. A. GRAEFE
WEBER BROS. AGENCIES LTD.

Mr. R. J. Philipzyk,
Burton Real Estate,
Room 211 - 8631 - 109th Street,
EDMONTON, Alberta.

Re: Membership in the Edmonton Real Estate
Board Co-operative Listing Bureau Limited.

Dear Mr. Philipzyk:

Please refer to correspondence emanating from this office dated December 24th, 1965 and more recently my letter of May 12th, 1966.

Your letter of May 16th, 1966 was read to the Directors at their regularly called Directors' meeting which was held on June 1st, 1966 and at that time also I was forced to report to them that a cheque in the amount of \$100.00 representing the monetary assessment against you had not been received at this office nor had the letter of apology to Mr. H.R. Kellough of H.R. Kellough Realty Ltd., been received at this office. Your letter of May 16th did not indicate that you intended to carry out the instructions of the Directors. I would refer you to Schedule I, Sections (e), (f) and (g) which sections you agreed to abide by when you applied for membership in the Edmonton Real Estate Board Co-operative Listing Bureau Limited.

It is now my unpleasant duty to advise you that as a result of your failure to comply with the instructions of the Directors, as communicated to you in our letter of May 12th last, the Directors, by a majority vote at their regularly called meeting held on June 1st, 1966 voted to expel you from membership



Mr. R. J. Philipzyk

- 2 -

in the Edmonton Real Estate Board Co-operative Listing Bureau Limited and I must now confirm that as of this date you are herewith expelled from such membership in the Edmonton Real Estate Board Co-operative Listing Bureau Limited and that your name has been removed from our roster.

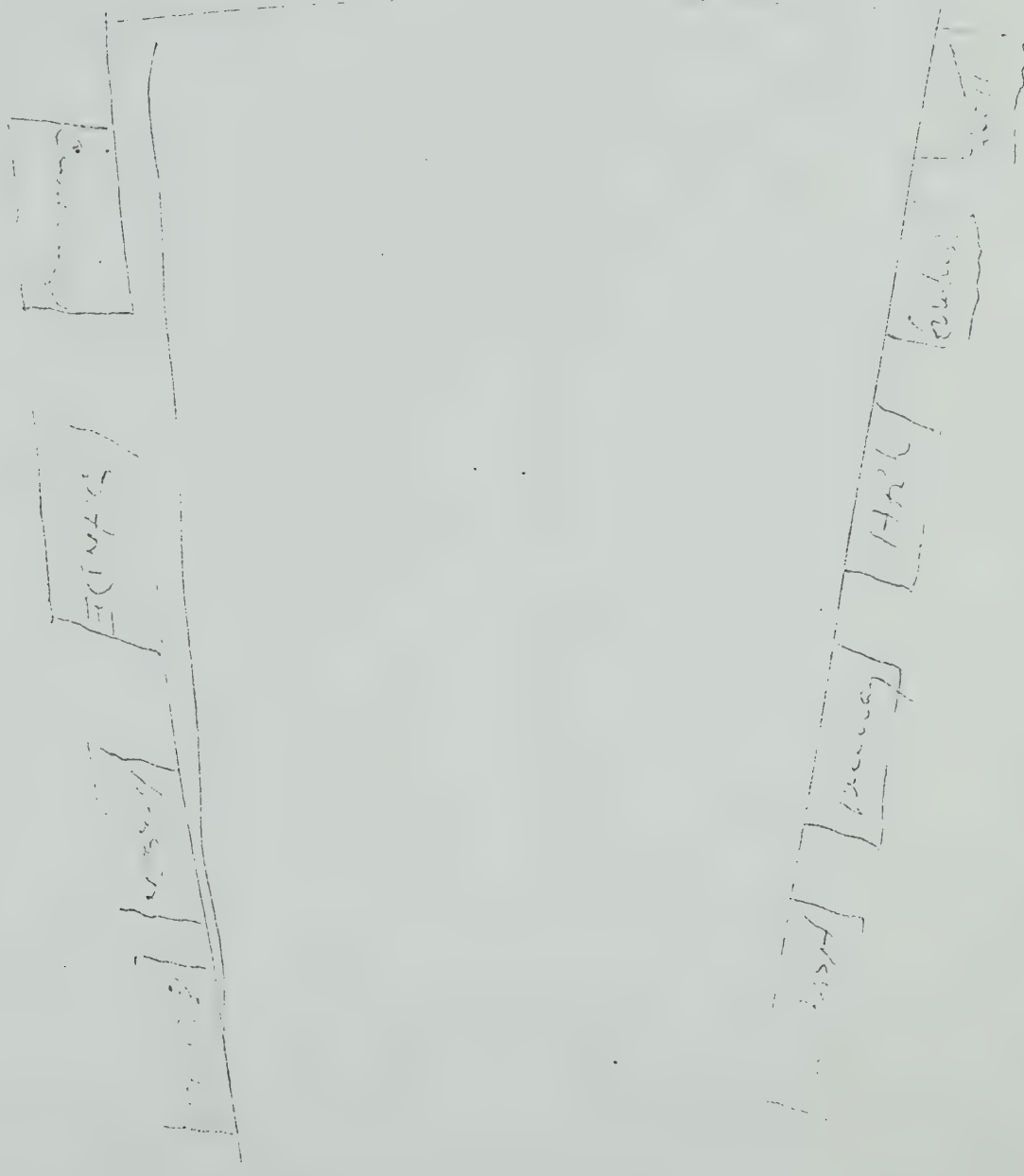
Yours truly,


C. (Kelly) Haugen
Executive Secretary

CH/gf

Barbican

Ala. 9500



Barbican

PHILLIPS, H.J. (Bob)

SEPT/61

JASPER PLACE BRANCH

Aug. 31	Balance Forward		\$1,442.72
Sept 8	Advance	150.00	
Sept 14	Advance	50.00	
Sept 25	Advance	300.00	
Sept 1	To Group Insurance	8.50	
Sept 30	To prop. of roses	7.00	
Sept 30	BALANCE HEREWITH		\$1,958.28

PENDINGS

Globe - Helfrich	53.60
Davidson - Lindberg	95.00
Green - Klotz	142.50
Wapiti - Ashmore	190.00
Kormendy - Bolt	124.75
Green - Taylor	66.50
Wapiti - Dubrule	332.50
Smart - Todd	190.00

\$1,264.85

Pendings -
Baker to Henning
Black to McCracken
McCracken to Koopman

H. J. Phillips

APPLICATION FOR FIDELITY BOND

Agency Trotter McIntyre Kellough Ltd.

Bond No. _____

Amount \$ 1,000.00 Premium \$ 10.00

THE CANADIAN SURETY COMPANY

TORONTO
WINNIPEGOTTAWA
EDMONTONMONTREAL
CALGARYHALIFAX
VANCOUVER

I hereby make application to THE CANADIAN SURETY COMPANY to act as my surety.

from October 27th 1960, for the amount of \$ 1,000.00in favor of Trotter McIntyre Kellough Ltd., Employerin my position as Salesman at Edmonton and

hereby affirm that in the following declarations made and answers given, I state the truth without reservation of any kind whatever.

PLEASE PRINT OR WRITE CLEARLY (PHILIPZYK)1. Full name ROBERT J. PHILIPZYKResidence Address 9916-90 AVE. EDMONTON, ALTA.Business Address Ground Floor, McLeod Building, Edmonton2. Nationality CANADIAN Born at CERRANE Date of Birth JULY 6th, 19103. (a) Are you single? _____ Married? X Widower _____ Number of Children 9 How many self-supporting 6(b) Name of wife or husband PAULINE(c) Residence address of wife or husband SAME4. Name of Father JOHN PHILIPZYK Business _____
DECEASED Home Address _____Name of Mother MARTHA PHILIPZYK Address BRADNER, BC.

Names and addresses of brothers and sisters and of nearest relatives:

MRS HARRY BEVENS. ATHABASCA, ALTA.NICK. PHILIPZYK. ATHABASCA, ALTA.5. (a) What salary or income will you receive from this employment? C. C. M.(b) Amount of income from any other source NOT KNOWN. (C. B. P. PAVLIENT. ON FARM.)6. (a) Value of your real estate \$ 1500.00 Mortgages or other liens thereon \$ NIL(b) Values of your personal property \$ 2000.00 Loans thereon \$ 1000.00(c) Have you any other debts or liabilities? YES If so, state amount and details 1000.00 BANK LOAN(d) Amount of life insurance \$ 1000.00 State for whose benefit and in what companies WILLIAMIMPERIAL LIFE INSURANCE CO.7. Have you ever been bankrupt or insolvent NO If so, give particulars in separate confidential letter to the Company

(OVER)

8. Employment record for past 7 years. If not employed for any period during such time, state period, residence address and name of any person who can confirm your unemployment.

From Date (Give Month and Year)	To What Date (Give Month and Year)	Position Occupied	Location of Employment	Under (Name of Manager, Supt., or Head of Department)	Name of Employer and Address (Give street and number, town and province)
MAY 1953	NOV 1953	SALESMAN	EDMONTON	MIKE HILTON	MELTONS REAL ESTATE
NOV 1953	JULY 1954	SALESMAN	EDMONTON	HOMER KELLOUGH	WEBER BROS. REAL ESTATE
JULY 1954	JULY 1955	SALESMAN	EDMONTON	HOMER KELLOUGH	KELLOUGH & HALIBURTON
JULY 1955	JAN 1956	SALESMAN	EDMONTON	DON HANSEN	WEBER BROS. REAL ESTATE
FEB 1956	JULY 1957	SALESMAN	VANC.	T. THOMPSON	VANC. SUN & VANC. PRESS
MARCH 1957	JULY 1957	SALESMAN	VANC.	AL MAGAW	ANGUS MACRAE, REALTY
OCT 1957	DEC 1960	SALESMAN	EDMONTON	ART WEISS	NATIONAL Quick TRUCK

9. Have you ever been in arrears or default in your present or any previous employment or connection? *yes* If so, give particulars in separate confidential letter to the Company.
10. Have you ever been discharged from any situation? *yes* If so, state particulars *(No Reason given)*
11. Have you ever applied to any other source for a bond? *yes* if so, state when, to whom, and whether successful. *yes*

12. References. (Persons personally acquainted with you and who are not related.)

NAME	OCCUPATION	POST OFFICE ADDRESS Street and Number, if in a City
Harold Burgett	Electric Service	99 ST 107 AVE. HAWKESBURY
NICK HARCHUK	CLERK	WILSON HOTEL, EDMONTON
Andrew Koranda	Merchant	O.R. Grocery, 95 ST & 107 AVE
Don Hansen	Garage operator	WILSON SERVICE STATION 107 ST

FOR GOOD AND VALUABLE CONSIDERATION, I hereby agree upon demand to pay THE CANADIAN SURETY COMPANY any loss, costs, counsel fees, damages or expenses which it may sustain or for which it may become liable by reason of having given suretyship for me under this or any other bond or obligation, or any modification, continuation or renewal thereof; and the Surety Company shall have the right to adjust, settle or compromise any claim or demand made against me, and the voucher or other evidence of payment shall be conclusive evidence of my liability therefor to the Surety Company. I do also agree that said Surety Company may decline to become surety for me on the suretyship hereby applied for, or if executed, the Surety Company may at any time cancel or withdraw from the same without giving me reason for such action; that the Surety Company or anyone who has furnished the Surety Company any information concerning my character, habits, ability, financial responsibility or my reason for leaving any employment, shall not be responsible for any loss or damage that I may suffer in consequence thereof, any statutory provisions to the contrary being hereby expressly waived by me.

Signed, sealed and dated this *27th* day of *October*, 19*60*

Signed in the presence of

Witness

Applicant

CERTIFICATE OF EMPLOYER

Applicant has been in the service of the Employer since *today* and has never to my knowledge been in arrears or default. His accounts will be examined every *few* ~~xxxxx~~ days.

Dated *27th* day of *October* 19*60*
TROTTER MCINTYNE KELLOUGH LTD.

On behalf of Employer

Employer's Business *Real Estate*

Address *Ground Floor, McLeod Bldg.*

145
June 28th, 1965.

Mr. J. P. Walsh,
Burton Real Estate,
8908 - 99th Street,
EDMONTON, Alberta.

Dear Pat:

Enclosed please find a copy of a letter which, upon instructions from the Directors, I have written to Mr. Philipzyk, your Salesman.

Possibly you will be good enough to assist in seeing that Box's reply is received at this office as soon as possible.

Yours truly,

CH/gf

C. (Kelly) Haugen
Executive Secretary

BURTON REAL ESTATE

J. P. WALSH, MANAGER

"BE CERTAIN — CALL BURTON"

TELEPHONE 439-1034
439-6280

WELDON BUILDING
8908 - 99 STREET
EDMONTON, ALBERTA

October 7th, 1965.

The Executive Secretary,
Edmonton Real Estate Board Co-operative Listing Bureau Ltd.,
10515 - Princess Elizabeth Avenue,
Edmonton, Alta.

Dear Sir:

Re: Complaint H.R. Kellough vs R.J. Philipzyk

I wish to acknowledge receipt of a copy of your letter of October 4th to Mr. Philipzyk, regarding the above matter which has been referred to the Ethics Committee.

In accordance with Article 154 of the Constitution, Mr. Philipzyk has asked me to represent him in this matter.

Will you kindly provide me with a copy of Mr. Kellough's letter of complaint together with the statement from the person who heard the remark which Mr. Philipzyk is alleged to have made and about which Mr. Kellough complains.

Sincerely yours,


J. P. Walsh

BURTON REAL ESTATE

J. P. WALSH, MANAGER

"BE CERTAIN — CALL BURTON"

TELEPHONE 439-1034
439-6280

8631 - 109 STREET

EDMONTON, ALBERTA

December 20th, 1965.

Mr. Ed Shaske,
President, Edmonton Real Estate Board
Co-operative Listing Bureau Limited,
Edmonton, Alta.

Complaint H.R. Kellough vs R.J. Philipzyk

Dear Ed,

I am writing to you to see if it might be possible to find some method of resolving the above dispute other than by imposing sanctions on either party.

As the representative of Mr. Philipzyk I must do everything in my power to see that his defence is properly presented.

Even if he received as much as a reprimand I must appeal to the Directors and if necessary to the general membership.

I am attaching a copy of my report of the hearing held last Friday and I can only say that I would consider it unfortunate if this type of thing has to be handed to each director and eventually to each member entitled to vote.

Mr. Kellough seems to think that having made a complaint he now has a license to range far and wide in his accusations against Mr. Philipzyk, even to go so far as to refer to him as "Bastard".

If you could get Mr. Kellough to withdraw his complaint I believe I could get Mr. Philipzyk to consider the matter closed.

Sincerely,

J. P. Walsh

P.S. Although I have used office stationery - we are not involved

December 18th, 1965.

I felt that it was regrettable that when Mr. Kellough referred to Mr. Philipzyk as a "Bastard" that the Committee did not ask Mr. Kellough for an apology or even to withdraw his statement.

At one point Mr. Philipzyk was questioned by a member of the Committee as to the circumstances surrounding his leaving Kellough Realty. As he was speaking Mr. Nels Larsen shouted "That's a lie". Mr. Philipzyk retaliated with "You're the liar". At this point Mr. Larsen left his seat and proceeded toward Mr. Philipzyk to attack him physically. Mr. Philipzyk retreated and the Committee restrained both men. Although Mr. Larsen was the aggressor and in my view had no right to be at the meeting, Mr. Philipzyk was asked to wait outside and did so until the end of the meeting, when he was asked to come back in for a few minutes. I could only hope that having witnessed a demonstration of attempted violence by Mr. Larsen that the committee would reason that it was not unusual that neither Mr. Philipzyk nor any other person could long remain in the employ of a company under such a man.

In his complaint Mr. Kellough made it clear that ~~inasmuch~~ he is not asking the Board to do anything about any money owing to him, and he re-iterated this at the meeting.

I asked Mr. Kellough on two occasions what he wanted to be the outcome of the hearing and he stated that he did not want the Board to cancel Mr. Philipzyk's membership but only to stop Mr. Philipzyk from talking about him.

While I was attempting to say a few words in defence of Mr. Philipzyk's situation as a salesman for me during the past year and a half, Mr. Kelly Haugen told the Committee that there had been two complaints from members. He said they were verbal and my feeling is that they could not help but prejudice the thinking of the Committee.

Mr. Kellough mentioned several times that Mr. Philipzyk owed money to his old company, Trotter, McIntyre & Kellough. I told him that that Company had owed \$855 to one of our salesmen for three years during which time the salesman did not even receive a statement; and that when I wrote to the Board about it they said they did not have jurisdiction to intervene. Mr. Kellough asked what that had to do with him and I replied that he was the Agent of the Company. This debt to our salesman was settled in 1965 at 50 cents on the dollar.

The Chairman of the Ethics Committee made a statement that he knew for a fact that Mr. Kellough had lost \$140,000.00 through advances to salesmen. In my view this statement could only tend to present Mr. Kellough to the other members of the committee as a kindly Santa Claus.

During the hearing no attempt was made to examine Mr. Olthuis on the wording of the letter he had written describing the conversation with Mr. Philipzyk six months before. A very important point is that no attempt was made to establish that Mrs. Nagda Hansen had actually signed the letter and as she was not present she could not be examined. This could only mean that it was the word of Mr. Olthuis against that of Mr. Philipzyk.

December 18th, 1965.

Report of J. P. Walsh, representing R.J. Philipzyk at Ethics Committee Hearing Friday, December 17th, 1965, at 4.00 p.m. in the Edmonton Real Estate Board Building - 10515 - Princess Elizabeth Avenue, Edmonton.

Mr. Philipzyk had been ordered to appear before the Ethics Committee to hear evidence on the ethics complaint issued against him by Mr. H.M. Kellough.

Besides the Committee there were present at the meeting - Philipzyk, Walsh, Kellough, Nels Larsen, Joe Olthuis, and Norma Murray; the last three being introduced as witnesses.

The complaint against Mr. Philipzyk was introduced by the reading of a letter from Mr. Kellough dated June 8th, 1965. Also introduced was what was said to be an exact copy of the ledger sheets of Mr. Philipzyk's account with Kellough Realty from January 10th, 1961 to May 29th, 1964, with a letter from Mr. Kellough, dated September 7th, 1965, to the Board.

At this point the Chairman asked the Committee to consider the specific complaint which concerned certain statements made to two employees of Mr. Kellough during 1965. The Chairman read a letter which had just been passed to him by Mr. Kellough and he advised us that it was signed by a Mrs. Magda Hansen and Joe Olthuis but was not dated. On questioning Mr. Kellough said it had been written about a month previously which would be about the middle of November. This letter is supposed to have stated that the alleged conversation of Mrs. Hansen and Joe Olthuis with Mr. Philipzyk took place some time in August. Mr. Kellough's letter of complaint was dated June 8th and this was pointed out to the committee. This letter was not passed to me or to Mr. Philipzyk for examination. Mrs. Magda Hansen was not present to be questioned. I pointed out that it seemed strange that two witnesses would remember word for word a conversation which is supposed to have taken place six months before and yet be two months out on the date of the alleged conversation. I would like to have had the opportunity to ask Mrs. Hansen whether she had worked on the document with Mr. Olthuis or whether it had been just handed to her for signature. Mr. Olthuis said that everything in the letter was exactly as it had been said. It was my feeling that Mr. Philipzyk was not allowed sufficient time to know who the witnesses were and inasmuch as this was the specific complaint the statement of the witnesses should have been presented before the hearing was proceeded with.

The Committee then turned to an examination of the account of Mr. Philipzyk and it now became apparent that Mrs. Nels Larsen and Mr. Norma Murray were present at the meeting not as witnesses in this complaint but as former branch managers of Mr. Philipzyk and they referred to many disputes in their offices which had no relation to the complaint. I felt they should not have been present especially since they made some allegations which were completely unsupported.

Mr. Kellough talked at great length in support of his statements of June 8th and September 7th and at one point referred to Mr. Philipzyk as a "bastard".

June 3rd, 1966.

DOUBLE REGISTERED

Mr. J. P. Walsh,
Burton Real Estate,
Room 211 - 8631 - 109th Street,
EDMONTON, Alberta.

Re: Mr. R. J. Philipzyk

Dear Mr. Walsh:

Enclosed please find copy of a letter which has been sent to your Salesman, Mr. R. J. Philipzyk, under today's date. You will note from this letter that the Directors, at a regularly called meeting held on June 1st, 1966 voted to expel Mr. Philipzyk from membership in the Edmonton Real Estate Board Co-operative Listing Bureau Limited.

I am enclosing Form No. 2 for completion by Agents who are reporting a termination of employment which the Directors ask that you now complete and forward to this office by return mail together with a copy of your letter to the Commissioner of Real Estate advising them of the termination of Mr. R. J. Philipzyk's employment as a Real Estate Salesman with your Firm.

Yours truly,

C. (Kelly) Haugen
Executive Secretary

CH/gf

6X (50)

BURTON REAL ESTATE

J. P. WALSH, MANAGER

"BE CERTAIN — CALL BURTON"

TELEPHONE 439-1034
439-6280

8631 - 109 STREET

EDMONTON, ALBERTA

Monday, June 6th, 1966.

Mr. C. Haugen,
Executive Secretary,
The Edmonton Real Estate Board Co-operative Listing Bureau Limited,
10515 Princess Elizabeth Avenue,
Edmonton, Alta.

Dear Mr. Haugen,

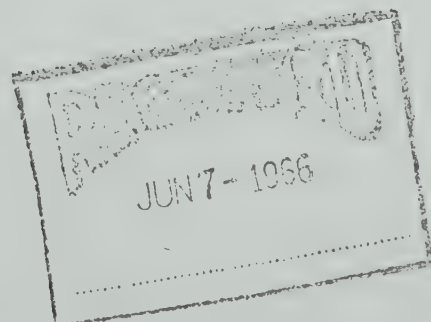
Re: Mr. R. J. Philipzyk

Your double registered letter of June 3rd was received this morning. I enclose herewith copy of termination of employment notice also copy of my letter to the Commissioner of Real Estate returning the licence of Mr. Philipzyk for cancellation as ordered by the Board.

Yours truly,

BURTON REAL ESTATE


J. P. Walsh, Mgr.



Canby, Jan. 6th, 1916.

The Honorable J. E. McLean,
Commissioner of Lands,
Room 312, Legislative Building,
Ottawa, Alberta.

Sir:

For Robert J. McLean:

Land Grant - 100 Acres - 10000

I enclose herewith a copy of letter received this morning from the Honorable J. E. McLean, Commissioner of Lands, Ottawa, Ontario, regarding the application of the above named Robert J. McLean for a grant of 100 acres of land for cancellation.

In accordance with the above mentioned letter I enclose herewith the license No. 1-1010 dated November 20th, 1915, for cancellation.

Sincerely yours,

WILLIAM R. L. BROWN

J. P. Smith, Agent.

Edmonton Real Estate Board Co-operative Listing Bureau

LIMITED

"For the development of the community and for the promotion and maintenance of the highest standard of conduct in the transaction of the Real Estate Business."

President
S. G. McAFEE, F.R.I.A.A.C.I.

Vice-President
E. J. SHASKE

Past President
R. H. BUXTON

Executive Secretary
C. (KELLY) HAUGEN, B.A.



PHONE 477-3571

10515 PRINCESS ELIZABETH AVE.
EDMONTON, ALBERTA

June 11th, 1964.

Mr. R. J. Phillips,
1005 Lillooet Street,
VANCOUVER, B.C.

Dear Bob:

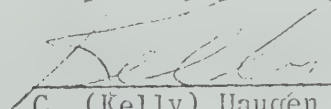
I have your letter of May 27th which did not reach this office until last week. I am very sorry indeed to hear that you have been ill and hope that your health improves.

Regarding your Real Estate Salesman's license in Alberta, we have been advised by H.R. Kellough Realty Ltd., that this has been sent in to the Provincial Government for cancellation so you need not hurry back on that score. We have, of course, therefore taken you off our Membership Roster but if and when you come to Edmonton and join another Firm it is a very simple matter to re-apply.

This would appear to answer the queries raised in your letter.

Best of luck.

Very truly yours,


C. (Kelly) Haugen
Executive Secretary

CH/gf

H. K. KING
NEIS GREIDANUS, F.R.I.
DARREL BALL

Directors
J. N. WINTERBURN, F.R.I.
W. A. MILES
MARK DUBORD

E. E. SANDE
N. MURRAY
T. CAITHNESS

4.1 4-1

883331
Canadian

/in

September 17th, 1964

R. E. FILE

Dear Sir:

Re:

On _____ we received from the
Surety Company two months' notice of intention
to cancel the captioned bond.

September 16th, 1964
You are therefore advised that unless the bond is
reinstated or a replacement bond filed your real
estate licence will be terminated on _____.

Yours truly,
November 16th, 1964

J. A. MacPhee
Commissioner of Real Estate

H. G. Nicol

H. G. Nicol
Licensing Officer

Mr. Robert J. Phillipzyk
Lafayette Hotel
Edmonton, Alberta

c.c. Curton Real Estate
3403 - 99 Street
Edmonton, Alberta

Edmonton Real Estate Board Co-operative Listing Bureau LIMITED

"For the development of the community and for the promotion and maintenance of the highest standard of conduct in the transaction of the Real Estate Business."



President
S. G. McAFEE, F.R.I.A.A.C.I.

Vice-President
E. J. SHASKE

Past President
R. H. BUXTON

Executive Secretary
C. (KELLY) HAUGEN, B.A.

10515 PRINCESS ELIZABETH AVE.
EDMONTON, ALBERTA

PHONE 477-3571

September 10th, 1964

PERSONAL & CONFIDENTIAL

Mr. J. P. Walsh,
Burton Real Estate,
8908 - 99 Street,
Edmonton, Alberta.

Dear Pat,

RE: Robert J. Philipzyk (Phillips)

The application of the above noted to Membership in the Edmonton Real Estate Board was considered by the Directors at their last regular meeting.

I am asked to advise you that consideration of his application has been deferred pending receipt of a complete character and credit report.

Yours truly,



C. (Kelly) Haugen
Executive Secretary

CH/aw

Directors

H. K. KING
NEIS GREIDANUS, F.R.I.
DARNEL BALL

J. N. WINTERBURN, F.R.I.
W. A. MILES
MARK DUBORD

E. E. SANDE
N. MURRAY
T. CAITHNESS

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Edmonton Real Estate Board Co-operative Listing Bureau LIMITED

"For the development of the community and for the promotion and maintenance of the highest standard of conduct in the transaction of the Real Estate Business."

President
S. G. McAFEE, F.R.I.A.A.C.I.

Vice-President
E. J. SHASKE

Past President
R. H. DUXTON

Executive Secretary
C. (KELLY) HAUGEN, B.A.



PHONE 477-3571

10515 PRINCESS ELIZABETH AVE.
EDMONTON, ALBERTA

November 16th, 1964.

Mr. J. P. Walsh,
Burton Real Estate,
8908 - 99th Street,
EDMONTON, Alberta.

Re: Membership Application - Robert J. Philipzyk
(Phillips).

Dear Pat:

I am instructed by the Directors of the Edmonton Real Estate Board to advise you that the application by Mr. Philipzyk to Salesman Membership in the Edmonton Real Estate Board has now been rejected.

Under Article 36 sub (a) and (b) on Page 16 of our Constitution and By-laws you will note that his employment with your Firm should be terminated not later than 30 days from the date of this notice.

On one or two occasions in the past, when Agents felt strongly about the rejection of Salesmen's applications, the Agent himself has requested permission to appear before the Directors to make personal representations why the decision should be reconsidered. I have no reason to think that a request such as this from yourself would not be entertained by the Directors.

Very truly yours,


C. (Kelly) Haugen
Executive Secretary

CH/gf

Directors

H. K. KING
NEIS GREIDANUS, F.R.I.
DARREL BALL

J. N. WINTERBURN, F.R.I.
W. A. MILES
MARK DUBORD

E. E. SANDE
N. MURRAY
T. CAITHNESS

BURTON REAL ESTATE

J. P. WALSH, MANAGER

"BE CERTAIN — CALL BURTON"

TELEPHONE 439-1034
439-6280

WELDON BUILDING
8908 - 99 STREET
EDMONTON, ALBERTA

November 24th, 1964.

The President & Board of Directors,
Edmonton Real Estate Board Co-operative Listing Bureau Ltd.,
10515 Princess Elizabeth Avenue,
Edmonton, Alta.

Re: Membership Application - Robert J. Philipzyk
(Phillips)

Dear Sirs,

I understand from Mr. Haugen's letter of November 16th that I am under notice to terminate the employment of the above mentioned as of December 16th.

While I realize that the decision of the directors was made on the basis of a recommendation from the Membership Committee Chairman, I wish to point out that, in my view, the recommendation was based on an improper interpretation of the constitution, similar to the erroneous interpretation regarding the admission of new agents last year and on which legal opinion was asked. I refer to this only to show that errors can be made in recommendations by committees but that the directors are bound by oath of office to adhere to the constitution.

The situation with Mr. Philipzyk is that he was employed by a member firm for the first five months of this year and was a member in good standing of the Edmonton Real Estate Board. He took a holiday in Vancouver (for his health) and joined our firm in early July. I thought it would be just a matter of putting him back on the membership roll, but Mr. Haugen asked me to send in a membership application.

If Mr. Philipzyk is being treated as a new applicant, then under By-Law #5 he is not eligible to make application until he has been CONTINUOUSLY employed for a period of six months by a voting agent member. This clause precludes the directors from dealing with the application at this time.

If Mr. Philipzyk is being dealt with under By-Law #56, then the procedure should be different from that followed in this case. This clause requires that the Board expel by a two-thirds majority vote. The understanding in this case ~~is~~ is that he is still a member until he has exhausted his rights under the constitution.

It is perhaps unfortunate that Mr. Philipzyk is in danger of losing his livelihood without being able to seek legal advice at this point and must rely on my amateur efforts on his behalf, especially since neither Mr. Phillips nor I know exactly what prompted the decision of the membership committee and the Board of Directors.

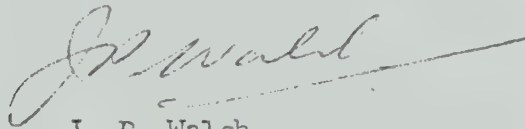
The only information we have is that a credit report was asked for but we do not know what it contains, nor do we know by whom it was interpreted.

We can only assume that the source of the information contained in the credit report is the same as that provided to the bonding company which led to the termination of his license and employment as of November 16th, 1964. Mr. Philipzyk obtained a new bond and license on November 20th. We believe that this was accomplished only because the Commissioner of Real Estate, Mr. J. A. MacPhee, personally conducted an investigation into the matters which may have been contained in the credit report and supplied to the bonding company.

After you have considered this letter I will appreciate hearing your decision as soon as possible in order that Mr. Philipzyk and I ~~maine~~ may appeal under the proper section of the constitution.

Sincerely yours,

BURTON REAL ESTATE

A handwritten signature in cursive script, appearing to read "J. P. Walsh", with a long horizontal flourish extending to the right.

J. P. Walsh.

Edmonton Real Estate Board Co-operative Listing Bureau LIMITED

"For the development of the community and for the promotion and maintenance of the highest standard of conduct in the transaction of the Real Estate Business."

President
S. G. McAFEE, F.R.I.A.A.C.I.

Vice-President
E. J. SHASKE

Past President
R. H. BUXTON

Executive Secretary
C. (KELLY) HAUGEN, B.A.



PHONE 477-3571

10515 PRINCESS ELIZABETH AVE.
EDMONTON, ALBERTA

December 10th, 1964.

Mr. J. P. Walsh,
Burton Real Estate,
8908 - 99th Street,
EDMONTON, Alberta.


Re: Mr. Robert J. Philipzyk (Phillips)

Dear Pat:

The Directors wish me to confirm in writing that as a result of your appearance before them at their December 9th, 1964 meeting to appeal the rejection of the above noted to Salesman Membership in the Edmonton Real Estate Board your appeal has been granted and Mr. Philipzyk has been accepted to membership once again. This acceptance was communicated to you verbally by the Directors and I would ask that you now advise Mr. Philipzyk that this has been confirmed in writing.

We would now ask that membership dues for 1965 for Mr. Philipzyk be forwarded at your convenience.

Very truly yours,


C. (Kelly) Haugen
Executive Secretary

CH/gf

Directors

H. K. KING
NEIS GREIDANUS, F.R.I.
DARREL BALL

J. N. WINTERBURN, F.R.I.
W. A. MILES
MARK DUBORD

E. E. SANDE
N. MURRAY
T. CAITHNESS

TERMS

NAME _____

PHILLIPS, Bob. (R.J. Philipzyk)

EDIT LIMIT

ADDRESS

Leland Hotel.

DATE		ITEMS	FOLIO	V	DEBIT	CREDIT	BALANCE
Jan.	1	Brought Forward					
"	3	M.L.S. #145 - Trenching; 196 - Lumber					
"	4	#197 - Lumber; 273 - Lumber			8.00		
"	4	Jan. admt. acct. - 60 lines			19.10		
"	18	Exchange to Chicago on Tschupp			1.25		
Feb.	1	Feb. admt. acct. - 56 lines			57.92		
"	1	M.L.S. #148 - Lumber - R538 - Lumber			6.00		
"	8	By comm. Mader ^{R611 - Report}	2			330.00	272
"	8	To Chicago			250.00		22
Apr.	1	March admt. acct. - 48 lines			15.36		7
"	5	By comm.					8
"	5	M.L.S. #1667 - Charter, 712 - Shaker					8
"		#987 - Kuching; 996 - Kobiala			8.00		
Apr.	8	By comm. Lumber to Sarsfischman	3			426.16	426
"	8	To Chicago			426.16		
May	5	April admt. acct. - 105 lines			33.60		57
"	6	M.L.S. #1112 - Motor - R1214 - Lumber			4.00		27
"	6	By comm. Harding to Lisi	4			339.20	301

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ME PHILLIPS, Bob.

ADDRESS

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PHILLIPS, Bob (R.J. Phillips)
Iceland Hotel.

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March 2nd - 1894

Mr. J. H. C. for 1888

St. John's

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18th February

11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-10

2. Chlorocephalus "in the".

94010 FORM 4/3

1000

— — — — —

| | | |
|--------|--------------------------|---------|
| July 7 | Brought Forward | |
| " 7 | C.P.D. tickets to Stogor | 376.148 |
| " 7 | To cheque | 1.8 |

27

6.77
35431

36105
35431

59

No. S-5057

STANDARD FORM W3

TERMS _____ NAME PHILLIPS, Bob Rel. 11/12/44

CREDIT LIMIT _____ ADDRESS _____

| DATE | ITEMS | DEBIT | CREDIT | BALANCE |
|---------|------------------------------------|--------|--------|---------|
| 1944 | | | | |
| Aug. 6 | July. airt. acct - 45.00 | 45.00 | | 45.00 |
| " 31 | July. airt. to dealer (Aug 1) | 50.00 | | 95.00 |
| " 31 | " " " (Aug 7) | 45.00 | | 140.00 |
| Sept. 3 | Aug. airt. acct - 53.00 | 53.00 | | 193.00 |
| Sept. 5 | Sept. airt. acct - 10.00 | 10.00 | | 203.00 |
| " 5 | Sept. airt. to dealer (Aug 19) | 45.00 | | 248.00 |
| " 5 | " " " (Aug 31) | 40.00 | | 288.00 |
| " 5 | " " " (Sept 7) | 45.00 | | 333.00 |
| " 5 | " " " (Sept 14) | 80.00 | | 413.00 |
| " 5 | Aug. airt. - May. airt. to dealer | 36.00 | | 449.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 291.00 | | 740.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 750.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 760.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 770.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 780.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 790.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 800.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 810.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 820.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 830.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 840.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 850.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 860.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 870.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 880.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 890.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 900.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 910.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 920.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 930.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 940.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 950.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 960.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 970.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 980.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 990.00 |
| " 5 | Sept. airt. - May. airt. to dealer | 10.00 | | 1000.00 |

ACCOUNT NO.

SHEET No.

2

NAME

PHILLIPS, Bob

TERMS

ADDRESS

CREDIT LIMIT

| DATE | ITEMS | DEBITS | CREDITS | BALANCE |
|------|---------------------|--------|---------|---------|
| 11 | Brought forward | | | 34.27 |
| 16 | By Cash to Portland | | 40.00 | 378.61 |
| 17 | By Cash to Portland | | 28.00 | 258.61 |
| 18 | By Cash to Portland | | 52.00 | 542.61 |
| 19 | By Cash to Portland | | 54.61 | |
| 20 | By Cash to Portland | | 14.48 | 10.48 |
| 21 | By Cash to Portland | | 253.54 | 271.06 |
| 22 | By Cash to Portland | | 25.00 | 21.06 |
| 23 | By Cash to Portland | | 25.00 | 4.86 |

Anderson Land and Property
Room 14. 16344- Jasper Ave.
March 3, 1966

Edmonton Real Estate Board
10515 Princess Elizabeth Ave.

Dear Sirs:

The conduct of the board at our luncheon meeting on March 2nd in the presence of our guest and hotel employees was in bad taste.

Further it is understandable why a member should resent being called to answer an Ethics Committee report in these surroundings. This terminology is most offensive.

May I request that the name Ethics Committee be dropped and the board find another name for this committee such as:

Internal Bureau Relations.....I.B.R. Committee
Internal Bureau Affairs.....I.B.A. Committee

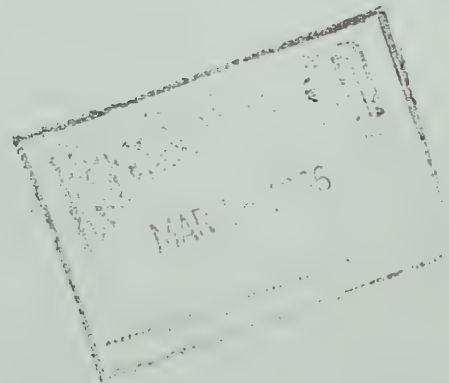
Please note the names suggest that our business be kept within the bureau.

Yours truly

Wm Anderson

William Anderson

ja



THE EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED



Hallmark of Responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.A.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AVE
EDMONTON, ALBERTA

March 7th, 1966.

DIRECTORS

VICE-PRESIDENT

J. N. WINTERBURN, F.R.I.

L. WINTERBURN & SON

PAST PRESIDENT

S. G. MCAFEE, F.R.I.

ROYAL TRUST CO.

DARREL BALL

BALL BROTHERS

J. T. CAITHNESS

IMPERIAL REAL ESTATE LTD.

MARK DUBORD

ROYAL REALTY

NEIS GREIDANUS, F.R.I.

GREIDANUS REAL ESTATE

FRED JENSEN

H. R. KELLOUGH REALTY LTD.

MAX KAPLAN

KAPLAN REAL ESTATE

H. K. KING

KING REAL ESTATE LTD.

S. L. MELTON, F.R.I.

MELTON REAL ESTATE LTD.

Mr. William Anderson,
Anderson Land and Property,
Room 14 - 10344 Jasper Avenue,
EDMONTON, Alberta.

Dear Bill:

This will acknowledge receipt of your letter of March 3rd, 1966 addressed to the Edmonton Real Estate Board and dealing with matters that transpired at the March 2nd general meeting.

Your letter is less than clear and I think in justice to you that we should have some more of your thinking before this letter is presented to the Directors at their March 9th meeting. For example, it was not the intention of the Directors nor the Board as such that this matter come up at the meeting since the appeal before a general meeting (Article 155) had been cancelled owing to the illness of one of the participants in the original ethics hearing. You will recall that other than the President explaining why this hearing had been postponed, discussion on the matter was brought to the floor by a Member of the Board who, as he explained, was not actually involved in the ethics case. Secondly, at the meeting referred to no member was "called to answer an Ethics Committee report" and I know of no case where a member has been called on to answer such a report unless he has appealed it under our Constitution and By-laws (Article 155).

Should you feel, however, that you do not wish to add anything to your letter but still wish it to go before the Directors, kindly advise and we will do so.

Yours truly,

C. (Kelly) Haugen
Executive Secretary

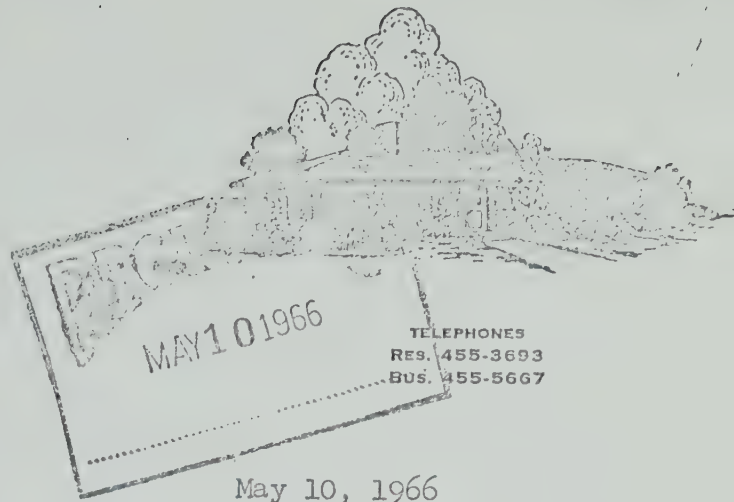
CH/gf



Anderson Property Limited

COMPLETE SERVICE TO HOME BUYERS

RESIDENT ADDRESS: 12316 - 135 STREET, EDMONTON, ALBERTA
OFFICE: ROOM 14 - 10344 - JASPER AVE., EDMONTON, ALBERTA



May 10, 1966

Edmonton Real Estate Board,
10515 Princess Elizabeth Avenue,
EDMONTON, Alberta.

Dear Sirs:

With reference to the Luncheon meeting May 3, 1966 after which there was to be an appeal hearing to an ethics case.

Having listened to the speeches given for and against the accused salesman, and having witnessed the manner in which the hearing was conducted. It can only be felt that the verdict against the salesman was predestined.

Having arrived at this conclusion. In the matter of this hearing the ethics of the ethics committee, and the ethics of the Edmonton Real Estate Board are in question.

Any one of the following points disqualify the board as a fair and just organization in the matter before the board at this meeting:-

1. The board failed in preserving and upholding the respect and propriety of the accused salesman and the Agent who spoke on his behalf.
2. The board also failed to preserve order by allowing the 3rd speaker to make a speech beyond an unbiased report from the ethics committee, combined with positive verbal and active discrimination towards the accused.
3. The board was in question by allowing two speakers to insult and defame the accused, while there was only one speech on his behalf.
4. The board was in question in that it did not give the defendant a chance of replying to the statements made against him. In a democratic hearing the defendant is always given the opportunity of defending himself against any additional evidence or statements. He must always be given the last opportunity to speak in his own defense. If justice is our objective. The charges should always be made and concluded, prior to the plea for the defense. In this hearing it would appear that the ethics committee were the defense, because that was the manner in which the appeal was conducted. Therefore the sympathy of the floor was reversed.

5. The board also failed to allow the member the opportunity to clarify any points of doubt by refusal of the chair to grant members a question period which was personally and respectfully requested by at least one member from the President.
6. The President failed to preserve order by allowing a large number of members to leave the meeting at all. Let alone without permission from the chair, when the vote was called for. This was not a recess period.

Any one of the following points disqualify the ethics committee as being unbiased and unprejudiced as judges must always be:-

1. The 3rd Speaker used what in my opinion was privileged information and knowledge to discredit the defendant. He also concerned himself with the man's private affairs. His insurance, his medical and hospital bills, his wife's sickness or any other misfortunes the man suffered to try to add shame and discredit to the defendant. This indeed was gross violation of human rights. Was the 3rd Speaker expecting the board to decide whether the insurance claims were necessary or not, and while the board was in session act as bill collectors for the Medical Profession. While on the other hand he was painting a sanctimonious picture of injured innocence and virtue of those whom he was acting for.
2. The 3rd speaker's most unwarranted display of antagonism towards the accused. Feeling as he did he should have withdrawn from the ethics committee in the beginning, because he must have known at the time that he had no intentions of giving this man an unbiased hearing, but instead intended to use privileged and confidential knowledge in this most unethical manner.
3. The 3rd speaker. Reminded the floor that he had done the work on the ethics committee without remuneration of any kind. What was the point of this statement? were the members being solicited for some form of recognition for his services at this time?
4. The 3rd speaker further burdened the members by his accounts of what had taken place in the office of the agent who laid the charges. What takes place in the privacy of an office is their own business, the agent concerned has proved himself to be most capable of running his own office. Unless the speaker had something of a more constructive nature to offer he should have kept silent regarding petty office rows, which are not our concern.
5. The 3rd speaker also implied that some form of disciplinary action should be taken against the agent who defended the accused. This implication can only be construed as a deliberate challenge against our rational constitution and all we stand for, in our right to defend ourselves.

Since the members were now being asked to decide the issue, it is imperative that all the evidence be given close scrutiny to be fair to all concerned.

In a matter so important as a man's reputation. The Board having degraded and humiliated the man beyond all necessity in the presence of his associates, and others. Why did the chairman betray such urgency to close the matter?

When the vote was called for, many of the members had no knowledge as to whether the accused was guilty or not. Most of us had no idea! We were unable to ascertain the facts. Many of the members were in accord with this thought, and purposely avoided the issue by leaving the banquet hall in preference to voting.

The large number of members who left the hearing when the vote was called for undoubtedly gives grave concern as to the cause of their apathy.

The board should stay out of justice administration until such time as it is fit to administer justice. The result of the voting in this case, no matter what it had been could only be the outcome of a sadly misguided and poorly conducted presentation of facts to the floor. The most of the 3rd Speaker's speech should have been ruled out of order by the chairman before the mockery got started.

I am sure in the final analysis the officers entrusted with the care and well being of the board will take the appropriate steps to rectify the injustice done to the board and the accused, by ordering a new hearing at the earliest possible date, giving assurance of course that the next hearing will not be a duplicate of the last one.

Until the victimized member has been given a fair and properly conducted hearing by the board, in surroundings in keeping with the sobriety of the charges. The ethics of every member of the board in regard to this hearing shall remain.
In Question.

As a footnote to the forewritten. Considering the advantages the board has to offer its members and the public, and the high esteem with which it is held by all. It is most regrettable that it is felt necessary to write to the board in this vein.

Yours truly,

ANDERSON PROPERTY LIMITED,

William Hall Anderson

William Anderson.

Anderson Property Limited

COMPLETE SERVICE TO HOME BUYERS



RESIDENT ADDRESS: 12316 - 135 STREET, EDMONTON, ALBERTA
OFFICE: ROOM 14 - 10344 - JASPER AVE., EDMONTON, ALBERTA

TELEPHONES
RES. 455-3693
BUS. 455-5667

May 31, 1966.

Edmonton Real Estate Board,
10515 Princess Elizabeth Ave.,
Edmonton, Alberta.

Dear Sirs:

In view of the explanation given to me at the Director's meeting held on May 11, 1966 at which I was asked to clarify in part or in whole my letter of May 10, 1966 to the board. During this discussion I was given to understand that the main agenda of the General Meeting of May 3, 1966 was not as stated in the board's General Meeting notice dated April 19, 1966.

An appeal from a decision of the Directors in regard to an Ethics hearing.

It had merely been, in fact, an appeal for ratification to the members to uphold the Director's previous decision.

I regret this most unfortunate misunderstanding.

On this basis I fully retract my letter to the board of May 10, 1966, and also express my apologies to all who may have taken exception to the letter.

Yours truly,

ANDERSON PROPERTY LTD.

William H. U. Anderson

(William H. U. Anderson)



THE EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED



Hallmark of Responsible Service

PRESIDENT

E. J. SHASKE

PLAINS REALTY & DEVELOPMENT LTD.

EXECUTIVE SECRETARY

C. (KELLY) HAUGEN, B.A.

TELEPHONE 477-3571

10515 PRINCESS ELIZABETH AVE
EDMONTON, ALBERTA

May 27th, 1966.

DIRECTORS

VICE-PRESIDENT

MAX M. KAPLAN
KAPLAN REAL ESTATE

J. N. WINTERBURN, F.R.I.
L. WINTERBURN & SON

S. L. MELTON, F.R.I.
MELTON REAL ESTATE LTD.

MARK DUBORD
ROYAL REALTY

NEIS GREIDANUS, F.R.I.
GREIDANUS REAL ESTATE

H. K. KING
KING REAL ESTATE LTD.

D. H. HELMERS
CUSTOM REAL ESTATE

T. H. DALE F.R.I.
THE DALE REALTY LTD.

GRAHAM DOWNEY F.R.I.
ROYAL TRUST CO.

C. A. GRAEFE
WEBER BROS. AGENCIES LTD.

Mr. W.H.U. Anderson,
Anderson Property Limited,
Room 14 - 10344 Jasper Avenue,
EDMONTON, Alberta.


Dear Bill:

On May 11th you appeared before the Directors and spoke to your letter of May 10th, 1966. It was the understanding of the Directors, and was so recorded in the minutes, that you would provide a letter of retraction and apology for certain statements made in this letter. It was my understanding, also, that you intended to provide this letter.

I wonder if you would now be good enough to provide the Directors with this letter via this office since the next Directors' meeting will be held on June 1st and this would be a good time to advise the Directors that this letter has been received and to read same to the meeting and into the minutes?

I am sure you will recognize the advisability of attending to this matter without delay.

Sincerely yours,


C. (Kelly) Haugen
Executive Secretary

CH/gf



A report on the hearing of the Ethics Committee in the case of a complaint made by Mr. H. R. Kellough of H.R. Kellough Realty Ltd., against Mr. Robert J. Philipzyk of Burton Real Estate in which the complainant accused Mr. Philipzyk of making untrue and defamatory statements about him to Salesman Members of his Firm, H. R. Kellough Realty Ltd.

The duly appointed Committee consisted of Chairman J.N. Winterburn, F.R.I. and Members Messrs. E. Bruce Graham, F.R.I. Mark Cummings, A.D. Scott and E.E. Sande.

The meeting was held in the Board Room of the E.R.E.B. building on December 17th, 1965 at 4:00 P.M. Representing H. R. Kellough Realty Ltd., were Mr. H. R. Kellough, Agent, Mr. N.A. Murray, Branch Manager, Mr. Niels Larsen, Branch Manager and Mr. Joe Olthuis, Salesman. Representing Mr. Philipzyk was himself and Mr. J.P. Walsh, his Agent who had advised that he wished to represent Mr. Philipzyk under Article 56, sub (2) of our Constitution and By-laws.

The meeting was called to order at 4:00 P.M. and Chairman Winterburn read correspondence from Mr. Kellough dated June 8th, 1965 in which Mr. Kellough outlined his complaint and asked that action be taken. Mr. Kellough also presented an undated statement signed by Mr. Joe Olthuis, Salesman and Mrs. Magda Hansen, Salesman in support of his letter. Also entered in evidence were photostats taken from H.R. Kellough Realty Ltd., ledger sheets pertaining to Mr. Philipzyk's earnings and drawings while with H.R. Kellough Realty Ltd.

Mr. Kellough re-affirmed categorically that he was not asking for assistance in collecting some \$1300.00 owing to his Firm by Mr. Philipzyk but that he took grave exception to statements Mr. Philipzyk had made to his Salesmen which, in his opinion, were completely untrue, not to say defamatory. The statements, briefly, were that Mr. H.R. Kellough owed Mr. Philipzyk monies from commissions which Mr. Kellough refused to pay, that Mr. Kellough had tried to blackmail him and that Mr. Kellough was not a fit man to hold a Real Estate Agents' license.

Mr. Olthuis, who was present and who had signed a statement alleging that Mr. Philipzyk had made these and other statements, was present and upon being questioned stated unequivocally that Mr. Philipzyk had in fact made these statements to him and to Mrs. Magda Hansen.

After Mr. Kellough had presented his statement and supporting evidence questions were asked of both parties. Mr. Philipzyk denied that he owed H.R. Kellough Realty Ltd., money from advances and denied categorically having ever made the alleged statements. He stated further that he had never seen Mr. Olthuis until he saw him at the meeting and that he knew Mrs. Hasen very slightly. Mr. Philipzyk made a great number of statements which were not thought to be germane to the case at hand.

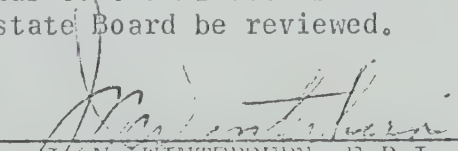
Toward the latter part of the hearing tempers on the part of both parties became frayed and many statements and counter statements were made by both parties.

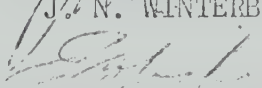
When all information available seemed to be in the two disputing parties were excused and the Committee reviewed the evidence.

/ It is the opinion of this Committee that the evidence seemed clearly to indicate that Mr. Robert J. Philipzyk did make the statements against Mr. H. R. Kellough, of which he is accused and the Committee feels that making these statements was improper conduct on the part of Mr. Philipzyk since it appeared that he had been treated with forbearing and kindness while employed with H.R. Kellough Realty Ltd.

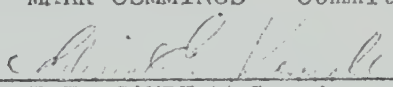
This duly constituted Committee therefore recommends, under Article 148 of our Constitution and By-laws that:

1. Mr. Robert J. Philipzyk write a letter of full apology to Mr. H.R. Kellough for making derogatory statements against him.
2. The Directors reprimand Mr. Robert J. Philipzyk severely for his reprehensible actions.
3. The Directors issue a stern warning to Mr. Philipzyk that any further complaints will, if substantiated, be dealt with most severely.
4. The Directors assess Mr. Robert J. Philipzyk a fine of \$100.00 payable not later than December 31st, 1965.
5. And the Committee further recommends to the Directors that this man's membership in the Edmonton Real Estate Board be reviewed.


J. N. WINTERBURN, F.R.I. Chairman


E. BRUCE GRAHAM, F.R.I. Committeeman


MARK CUMMINGS - Committeeman


E. E. SANDE - Committeeman


A. D. SCOTT - Committeeman


C. (KELLY) HAUGEN - Executive Secretary

Minutes of a Directors' meeting held on December 22nd, 1965.

President Shaske called the meeting to order at 12:40 P.M. In attendance were Messrs. J. N. Winterburn, F.R.I. Neis Greidanus, F.R.I., Darrel Ball, Carl Cummings, F.R.I., S.G. McAfee, F.R.I., Max Kaplan, J.T. Caithness, A.A.C.I. H.K. King and Mark Dubord.

The minutes of the meeting held on December 1st were approved as if read on motion by Mr. Greidanus, seconded by Mr. Kaplan.

BUSINESS ARISING FROM THE MINUTES:

1. The matter of the membership application of Mrs. Pauline McLean of Inter City Agency was again considered by the Directors and after due deliberation it was moved by Mr. Winterburn, seconded by Mr. Ball and UNANIMOUSLY CARRIED that the Directors were not prepared to accept Mrs. McLean's application at this time and therefore instructed the Executive Secretary to communicate this decision to her and to refund the entrance fees and annual dues to her.
2. Further discussion was held on the Canada Pension Plan and its implications and the Directors were advised of correspondence received from C.A.R.E.B. Officials outlining the work which was being done by C.A.R.E.B. to have certain changes in the Plan instituted.

After discussion it was agreed that the Executive Secretary would prepare a memorandum to Agent Members asking for their opinions and the opinions of their Salesmen.

3. The Directors examined the new C.A.R.E.B. crest and the Executive Secretary was asked to order mats and cuts in various sizes and to have the outdoor sign changed to the new crest.
4. The matter of Melton Real Estate complaint against Burton Real Estate, this was tabled to the next meeting when it was hoped that Mr. Melton would be in attendance and the Executive Secretary was asked to confirm certain statements made in the Burton Real Estate reply to this complaint.
5. Regarding amendments being considered to the Real Estate Agents' Licensing Act and the Alberta Real Estate Association request that Edmonton Directors recommend on any changes that they might wish to see made, the Executive Secretary read a copy of a letter from Mr. K. Walker to Mr. Frank Johns.

After discussion it was agreed that the changes outlined in this letter required some further explanation and the Executive Secretary was asked to discuss these with Mr. Walker.

Regarding the A.R.E.A. commission schedule, it was agreed to table this to a future meeting and that the Executive Secretary write a memorandum to each Director in this regard so that the matter would not be lost sight of.

6. President Shaske discussed the C.A.R.E.B. Convention expenses and explained in detail how the expenses had been incurred and why the expenses had been greater than the \$3,000.00 originally asked for by Convention Chairman J.A. Weber.

After discussion it was moved by Mr. Caithness, seconded by Mr. Dubord that Mr. Shaske's report and all the Convention expenses be approved.

7. The Executive Secretary then explained the item in the October financial statement of Receipts and Payments having to do with Public Relations and this was received as information on motion by Mr. Winterburn, seconded by Mr. Greidanus. UNANIMOUSLY CARRIED.
8. Regarding a legal opinion on listing and selling properties outside the Province of Alberta, the Executive Secretary reported that no reply had as yet been received from Mr. McKenzie.

This was received as information and the matter tabled until the next meeting.

9. The Executive Secretary reported on a telephone call received from Mr. Miles of Alberta North Agencies Ltd., which was in reply to the Board letter advising Mr. Miles that his name had been removed from the Membership Roster. The Executive Secretary's letter to Mr. Miles was read in full to the Directors and the Executive Secretary reported that Mr. Miles had been most "put out" having his name removed from the Roster and that he had been asked again, over the telephone, to clarify matters in a letter for consideration by the Directors. This, the Executive Secretary advised, Mr. Miles was not prepared to do.

The Executive Secretary's report was received as information.

10. At this time President Shaske presented for the approval of the Directors a Nominating Committee consisting of Mr. J.N. Winterburn, F.R.I. Chairman, Mr. Darrel Ball and Mr. H.K. King as Members.

The appointments were unanimously approved by the Directors.

11. The annual meeting was set for February 2nd, 1966 and the Executive Secretary was asked to secure accomodation at The Edmonton Inn. If this could not be secured for February 2nd, then February 16th, 1966 would be the next date.

It was agreed that it would be a dinner meeting, preceded by a cocktail hour, refreshments to be purchased by those attending. It was agreed that Mr. P.D.P. Holmes, who would then be President of C.A.R.E.B. be invited as our Guest Speaker and the Executive Secretary was asked to telephone him on Thursday and then confirm to him in writing. The Executive Secretary was also to arrange for the installation of the new Officers of the Board.

COMMITTEE REPORTS:

1. PHOTO LISTING:

Mr. Dubord presented a report of the Photo Listing Committee meeting which had been held on December 14th, 1965. He advised that the November financial statements had been approved by his Committee but that items on the Revenue and Expenditure statement having to do with Public Relations, Office Expense and Photo Listing expense were to be brought back in detail to the next meeting.

Regarding Delinquent Accounts Mr. Dubord reported that it was the recommendation of his Committee that Articles 47 and 48 in particular be enforced but that prior to sending out statements of delinquent accounts the Executive Secretary present to the Directors a proposed list of such accounts. This was agreed to.

Regarding Central Mortgage and Housing Corporation and the sale of repossessed properties, Mr. Dubord reported that his Committee was in entire agreement with the proposals as outlined in the Edmonton Real Estate Board letter and in the Central Mortgage and Housing Corporation letter of December 8th, 1965 and his Committee recommended that these arrangements be approved.

It was moved by Mr. McAfee, seconded by Mr. Dubord and UNANIMOUSLY CARRIED that these arrangements with Central Mortgage and Housing Corporation were entirely satisfactory and with regard to the matter of charging a \$2.00 listing fee be left to the discretion of the Executive Secretary after he had discussed matters with Mr. Stirton.

In regard to a discrepancy between the E.R.E.B. Schedule VI and the A.R.E.A. schedule of commissions, Article 5, Mr. Dubord advised that his Committee recommended that an attempt be made to eliminate this discrepancy when Schedule VI came up for revision.

In order to stimulate listings during January and February Mr. Dubord recommended a Listing Contest for those two months to commence on January 3rd, 1966 and on motion by Mr. Caithness, seconded by Mr. McAfee and UNANIMOUSLY CARRIED the following Contest was agreed upon:

1. That it be a Listing Contest commencing on January 3rd and continuing until February 28th, 1966.
2. That the minimum listing value be \$5000.00 and that the points for listings that were cancelled before expiry be deducted from the Member's winnings.
3. That the first two listings be the qualifying listings.
4. Listings 3 to 5 inclusive will earn \$3.00 each (when the 5th listing is received).
Listings 6 to 8 inclusive will earn \$4.00 each (when the 8th listing is received).
Listings 9 to 12 inclusive will earn \$5.00 each (when the 12th listing is received).
Total possible winnings - \$41.00.
Total number of listings required to earn this amount - 12 listings.

The suggestion that every Friday afternoon, at a convenient time to be set by the Executive Secretary, be called "pay day" and that prize winners could call at the Bureau Office at these times to pick up their winnings.

2. ETHICS:

Mr. J.N. Winterburn, F.R.I. Chairman of the Ethics Committee reported on a hearing resulting from a complaint by Mr. H.R. Kellough against Mr. R.J. Philipzyk, now with Burton Real Estate. He read the Ethics Committee report and recommendations in their entirety to the Directors and after discussion it was moved by Mr. King, seconded by Mr. Kaplan and UNANIMOUSLY CARRIED that these recommendations be approved and that the Executive Secretary be authorized to communicate these findings and recommendations to Mr. Philipzyk and Mr. Kellough. Mr. J.N. Winterburn abstained from voting and wished to be so recorded.

In connection with this hearing, a letter over Mr. Walsh's signature and an unsigned report from Mr. Walsh regarding the conduct of this Ethics hearing was read to the Directors and the President was asked to reply to this letter.

3. HOUSE COMMITTEE:

Mr. Kaplan advised that the professional fees for preparing working plans, colour and furniture selection, submitting these plans for tender for converting the unused space to a Directors' Board Room would be \$250.00 and this was approved on motion by Mr. Winterburn, seconded by Mr. McIfee.

Mr. Kaplan and the Executive Secretary were asked to have suitable Directors' plaques or certificates ready for presentation at the last Directors' meeting of the year.

NEW BUSINESS:

1. A letter was read from the Alberta Real Estate Association asking that the Edmonton Real Estate Board once again contribute \$1000.00 to the Research Foundation and it was moved by Mr. Caithness, seconded by Mr. Greidanus and CARRIED that this be done. The Executive Secretary was asked to have a cheque prepared and forwarded to A.R.E.A.
2. A letter was read from Borden Real Estate Ltd., advising that Mr. Kalke, the Agent, was opening an office in Calgary and was taking up residence in Calgary but that he intended to continue his operations in Edmonton with Mr. N.M. Kushner as Manager. Mr. Kalke also requested that this be approved by the Directors and that Mr. N.M. Kushner also be approved as Voting Alternate.

Mr. Kalke's requests were agreed to by the Directors.

3. The matter of O. Benedik Corporation Brokers Ltd., was deleted from the Agenda since the required written communication from Mr. Benedik had not been received.
4. Regarding Ernst Agencies Ltd., this was deleted from the Agenda since the required written communication from Mr. Gavin Sinclair had not been received.

MATTERS ARISING FROM THE DECEMBER 21st MEETING: (General meeting)

1. Mr. Caithness brought up for discussion the present representation of Salesmen and asked that this matter be reviewed at a future Directors' meeting.

This was agreed to on motion by Mr. Caithness, seconded by Mr. King and CARRIED and it was also agreed that the Executive Secretary would correspond with the Directors in the form of a memo so that this matter would not be lost sight of.



CORRESPONDENCE:

1. A letter was read from Art's Realty advising that for the next three to four months Mr. Art Proehl would be operating in Whitecourt, that he had closed his office for the present. He asked that the \$10.00 annual dues for 1966 be accepted and that his membership be held in abeyance until

he returned, at which time he would re-open his office and this was agreed to by the Directors on motion by Mr. King, seconded by Mr. Greidanus.

2. A complaint from Murmac Construction against Star Agencies Ltd., was tabled to the next meeting with all the Directors present receiving copies of this complaint.
3. A letter was read from the Canadian Association of Real Estate Boards over Mr. Follows' signature expressing congratulations and thanks for the excellent C.A.R.E.B. Convention.

The meeting adjourned at 4:45 P.M.


PRESIDENT

EXECUTIVE SECRETARY

EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED

FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 1969

MCDONALD, CURRIE & CO.

CHARTERED ACCOUNTANTS

MCDONALD, CURRIE & CO.

CHARTERED ACCOUNTANTS

INTERNATIONAL FIRM
COOPERS & LYBRAND

TELEPHONE 429-5211
1000 CHANCERY HALL
EDMONTON 15, ALBERTA, CANADA

January 22, 1970

AUDITORS' REPORT TO THE MEMBERS

We have examined the balance sheet of Edmonton Real Estate Board Co-operative Listing Bureau Limited as at December 31, 1969 and the statements of revenue and expense and source and use of funds for the year then ended. Our examination included a general review of the accounting procedures and such tests of accounting records and other supporting evidence as we considered necessary in the circumstances.

In our opinion these financial statements present fairly the financial position of the Bureau as at December 31, 1969 and the results of its operations and the source and use of its funds for the year then ended, in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

MCDONALD, CURRIE & CO.

CHARTERED ACCOUNTANTS.

EDMONTON REAL ESTATE BOARD
CO-OPERATIVE LISTING BUREAU LIMITED
BALANCE SHEET AS AT DECEMBER 31, 1969

A S S E T S

| | 1969 | 1968 |
|--|----------------|-----------------------------|
| | \$ | \$ |
| CURRENT ASSETS | | |
| Cash | 40,374 | 42,751 |
| Accounts receivable | 30,341 | 32,394 |
| Inventory - at the lower of cost or
net realizable value | 3,079 | 3,423 |
| Prepaid expenses | <u>6,234</u> | <u>9,264</u> |
| | <u>80,028</u> | <u>87,842</u> |
| MARKETABLE INVESTMENTS - at cost (quoted
value 1969 - \$112,240; 1968 - \$93,450) | <u>129,775</u> | <u>104,775</u> |
| FIXED ASSETS | | |
| | Cost | Accumulated
depreciation |
| | \$ | \$ |
| Land | 12,600 | - |
| Building | 80,109 | 12,144 |
| Furniture and fixtures | <u>35,572</u> | <u>16,519</u> |
| | <u>128,281</u> | <u>28,663</u> |
| | <u>309,421</u> | <u>101,651</u> |
| | <u>309,421</u> | <u>294,263</u> |

SIGNED ON BEHALF OF THE BOARD

Director

Director

EDMONTON REAL ESTATE BOARD
CO-OPERATIVE LISTING BUREAU LIMITED
BALANCE SHEET AS AT DECEMBER 31, 1969

L I A B I L I T I E S

| | 1969 | 1968 |
|--|---------------|--------------|
| | \$ | \$ |
| CURRENT LIABILITIES | | |
| Accounts payable and accrued liabilities | 1,401 | 3,079 |
| Unearned revenue | 7,470 | 6,435 |
| Members deposits | <u>1,630</u> | <u>-</u> |
| | <u>10,501</u> | <u>9,514</u> |

R E T A I N E D E A R N I N G S

| | | |
|--|----------------|----------------|
| BALANCE - BEGINNING OF YEAR | 284,754 | 259,197 |
| Adjustment of contributions to A.R.E.A.
education fund in respect of a prior year | <u>-</u> | <u>10,000</u> |
| | 284,754 | 269,197 |
| Excess of revenue over expense | <u>14,166</u> | <u>15,557</u> |
| BALANCE - END OF YEAR | <u>298,920</u> | <u>284,754</u> |
| | <u>309,421</u> | <u>294,268</u> |

EDMONTON REAL ESTATE BOARD

CO-OPERATIVE LISTING BUREAU LIMITED

STATEMENT OF REVENUE AND EXPENSE

FOR THE YEAR ENDED DECEMBER 31, 1969

| | 1969 | 1968 |
|---|----------------|----------------|
| | \$ | \$ |
| REVENUE | | |
| Sales commissions | 152,018 | 129,850 |
| Listings | 16,742 | 14,261 |
| Membership fees - annual | 22,733 | 20,775 |
| - new members | 4,000 | 7,000 |
| Interest on investments | 9,036 | 5,460 |
| Salesmen schools and seminars | 11,644 | 7,180 |
| Other income | <u>175</u> | <u>325</u> |
| | <u>216,348</u> | <u>184,851</u> |
| OPERATING EXPENSES | | |
| Salaries and employee benefits | 53,209 | 41,463 |
| Photo listing expense | 15,456 | 12,262 |
| C.A.R.E.B. and A.R.E.A. dues | 15,185 | 13,158 |
| Postage, stationery and office | 18,793 | 14,578 |
| Janitorial service and maintenance | 6,162 | 3,302 |
| Depreciation | 3,700 | 3,767 |
| Taxes and insurance | 3,252 | 3,096 |
| Utilities and telephone | 3,247 | 3,021 |
| Professional fees | 2,460 | 1,400 |
| Car allowance | <u>1,950</u> | <u>1,450</u> |
| | <u>123,414</u> | <u>97,497</u> |
| OPERATING MARGIN | <u>92,934</u> | <u>87,354</u> |
| OTHER EXPENSES | | |
| Advertising, promotion and public relations | 31,922 | 33,897 |
| Conventions, meetings and social events | 23,951 | 19,307 |
| Contributions to A.R.E.A. education fund | 10,000 | 10,000 |
| Contests, salesmen schools and education | <u>12,895</u> | <u>8,683</u> |
| | <u>78,768</u> | <u>71,787</u> |
| EXCESS OF REVENUE OVER EXPENSE | <u>14,166</u> | <u>15,557</u> |

EDMONTON REAL ESTATE BOARD
CO-OPERATIVE LISTING BUREAU LIMITED
STATEMENT OF SOURCE AND USE OF FUNDS
FOR THE YEAR ENDED DECEMBER 31, 1969

| | 1969 | 1968 |
|--|----------------|---------------|
| | \$ | \$ |
| SOURCE OF FUNDS | | |
| Excess of revenue over expense | 14,166 | 15,557 |
| Add: Charges not requiring cash outlay -
Depreciation | <u>3,700</u> | <u>3,767</u> |
| | 17,866 | 19,324 |
| Adjustment of prior year's retained earnings | <u>-</u> | <u>10,000</u> |
| | <u>17,866</u> | <u>29,324</u> |
| USE OF FUNDS | | |
| Purchase of marketable investment - net | 25,000 | - |
| Purchase of fixed assets - net | <u>1,667</u> | <u>4,599</u> |
| | <u>26,667</u> | <u>4,599</u> |
| INCREASE (DECREASE) IN WORKING CAPITAL | <u>(8,801)</u> | <u>24,725</u> |
| WORKING CAPITAL - BEGINNING OF YEAR | 78,328 | 53,603 |
| Increase (decrease) in working capital | <u>(8,801)</u> | <u>24,725</u> |
| WORKING CAPITAL - END OF YEAR | <u>69,527</u> | <u>78,328</u> |

EDMONTON REAL ESTATE BOARD
CO-OPERATIVE LISTING BUREAU LIMITED
SCHEDULE OF MARKETABLE INVESTMENTS

AS AT DECEMBER 31, 1969

| | 1969 | 1968 |
|---|------------------|------------------|
| | \$ | \$ |
| 7% National Trust Company Limited
Guaranteed Investment
Certificate - Due December 4, 1969 (note) | 25,000 | 25,000 |
| 5 1/2% Alberta Municipal Finance Corporation
Debentures - Due April 1, 1983
- Due June 1, 1984 | 19,850
34,925 | 19,850
34,925 |
| 7 1/2% Canadian Imperial Bank of Commerce
Debentures - Due June 7, 1971
Due June 2, 1971 | 25,000
25,000 | -
- |
| 7% Canadian Imperial Bank of Commerce
Debenture - Due June 2, 1969 | <u>-</u> | <u>25,000</u> |
| | <u>129,775</u> | <u>104,775</u> |

NOTE: The National Trust Company certificate has been
reinvested subsequent to December 31, 1969.

EDMONTON REAL ESTATE BOARD
CO-OPERATIVE LISTING BUREAU LIMITED
SCHEDULE OF COMMISSIONS ON SALES
FOR THE YEAR ENDED DECEMBER 31, 1969

| | Selling Price
of
Property Listed | | Commission | |
|-----------|--|-------------------|----------------|----------------|
| | 1969
\$ | 1968
\$ | 1969
\$ | 1968
\$ |
| January | 3,416,859 | 3,033,968 | 8,343 | 8,513 |
| February | 3,308,250 | 2,895,343 | 9,750 | 8,461 |
| March | 4,767,479 | 4,072,796 | 13,950 | 11,030 |
| April | 6,039,338 | 4,546,999 | 16,691 | 11,714 |
| May | 6,294,500 | 4,010,784 | 17,382 | 10,778 |
| June | 5,044,817 | 4,510,747 | 14,977 | 11,744 |
| July | 5,761,887 | 4,149,618 | 15,266 | 11,319 |
| August | 5,412,260 | 4,308,349 | 15,026 | 12,372 |
| September | 5,907,515 | 4,276,050 | 16,003 | 11,348 |
| October | 4,733,631 | 4,869,156 | 8,398 | 13,082 |
| November | 4,403,467 | 4,671,662 | 8,151 | 10,663 |
| December | <u>4,611,459</u> | <u>3,094,976</u> | <u>8,081</u> | <u>8,826</u> |
| | <u>59,701,462</u> | <u>48,440,448</u> | <u>152,018</u> | <u>129,850</u> |

| | | |
|-------------------------|-----------------|------------|
| Shank | G. | Wells |
| Winterburn | G. | Grassman |
| King | " | Boydson |
| Slane | " | Black |
| Shenard | " | Shelton |
| Kaplan | " | J. Tanning |
| Melton | " Parents | T. Tanning |
| Kelmer | " | T. Wilkins |
| Walsh | " | F. Baker |
| Rolls | | C. Kach |
| McCoy | | G. Graham |
| Dand | | M. Green |
| Henderson | | G. Green |
| W. Braden | | Repton |
| W. King | | G. Graham |
| D. Karpinsky | | D. Brock |
| M. Karpinsky | from | T. Green |
| Ains | (18) | K. Green |
| Palmer | | C. Graham |
| Ross | | T. Kach |
| Richard | | G. Kach |
| Greenberg | (24) | |
| M. Kach | | |
| M. Kach | | |
| G. Kach | (25) | |
| Green | | |
| Collins | | |
| Green | | |
| Green | | |

Don Sprague

(60)
51

A general meeting of the Edmonton Real Estate Board Co-operative Listing Bureau Limited was held in the Crystal Ballroom of the Edmonton Inn on Tuesday, May 3rd, 1966 at 12 o'clock noon with 277 members in attendance.

Mr. J.N. Winterburn, F.R.I. asked The Blessing. The Members observed one minute of silence in memory of Mr. Clarence Buchta, formerly of Don Perry Ltd., who passed away on Friday, April 29th, 1966.

Following lunch President E.J. Shaske called the meeting to order. The minutes of the meeting held on March 2nd, 1966 were approved on motion by Mr. J.T. Caithness, A.A.C.I. and seconded by Mr. E.E. Sande.

Mr. Shaske asked the meeting their preference with regard to future monthly meetings and all expressed a preference for the Edmonton Inn instead of The Macdonald Hotel.

Mr. Shaske welcomed Mr. R.H. Buxton, newly elected President of the Alberta Real Estate Association and Mr. E. Bruce Graham, F.R.I. who had been elected to the Board of Directors, as had Mr. Shaske.

Mr. Shaske also extended a welcome to three new Voting Agent Members: Mr. Bob Blachut representing Pyramid Realty Ltd., Mr. Otto Weltzien representing Gateway Real Estate & Insurance Ltd., (both these new Members were present) and Mr. Steve Taschuk who was replacing Mr. M. (Joe) Kvatum as the Representative of City Savings & Trust Company.

The next item on the agenda was the draw for Listing and Selling Salesmen from "Pandora's Boxes". Mrs. Rae Tait of Weber Bros. Agencies Limited was the winner as Listing Salesman and received \$50.00 and Mr. Cliff Isaac also of Weber Bros. Agencies Limited was the winner as Selling Salesman.

Mr. Shaske then called on the winners of the Edmonton Real Estate Board annual Bonspiel which had been held on April 1st and April 2nd, 1966 at the Crestwood Curling Club. These were as follows:

FIRST EVENT: Winner of the Edmonton Real Estate Board Trophy:

D. Fahlman - Skip - Melton Real Estate Ltd.
H. Dundas
P. Turner
M. Miciak

2nd in First Event: Mr. M. Monroe - Royal Trust Company
3rd in First Event: Mr. Stu Pearce - Glendale Real Estate Ltd.
4th in First Event: Mr. Niels Larsen - H.R. Kellough Realty Ltd.

SECOND EVENT: Winner:

Nick Runka - Skip - Weber Bros. Agencies Limited.
A. Medisky
J. Coughlan
R. Patry

2nd in Second Event: Bruce Graham - Graham Realty & Insurance Ltd.
3rd in Second Event: Trev. Caithness - Imperial Real Estate Ltd.
4th in Second Event: Canada Permanent Trust Company

THIRD EVENT: Winner:

Jack Feldman - Skip - Melton Real Estate Ltd.
L. Sheppard
G. Holmes
H. Radzik

2nd in Third Event - Star Agencies Ltd.

Mr. Shaske advised the meeting that Mr. Robert J. Philipzyk of Burton Real Estate was appealing to the general membership a decision of the Ethics Committee under Article 155 of the Edmonton Real Estate Board Co-operative Listing Bureau Limited Constitution and By-laws. He stated that Mr. Philipzyk was being represented by the Agent of Burton Real Estate, Mr. J.P. Walsh who would be allowed approximately 15 minutes in which to present Mr. Philipzyk's case, following which the Member making the complaint, that is Mr. H.R. Kellough, would also be allotted approximately 15 minutes. Due to the fact that Mr. Kellough was ill he would be represented by Mr. Norman Murray. The Chairman of the Ethics Committee, Mr. J.N. Winterburn, F.R.I., would then have approximately 15 minutes in which to outline the reasons for the Ethics Committee's decision. He asked Mr. S.G. McAfee, F.R.I. Mr. Darrel Ball and Mr. C.A. Barnes, F.R.I. to act as Scrutineers.


Mr. Shaske then called upon Mr. Walsh to present his case. Following Mr. Walsh's presentation Mr. Norman Murray, representing Mr. H.R. Kellough the Complainant, outlined their reasons for making the Ethics charge and finally Mr. Winterburn presented his Committee's reasons for their decision.

Following Mr. Winterburn's summary ballots were distributed to the Voting Agent Members present and the Voting Salesman Members. The results of the balloting showed the Members were not in favour of granting the appeal and the appeal was therefore declared lost.

In view of the lateness of the hour Mr. Shaske dispensed with the report of the President. He stated, however, that the Directors were concerned about the use of LokBoxes on furnished properties as there had been a great number of thefts. The Board Office was refraining publicizing the information that LokBoxes were installed in the daily bulletin and he would strongly urge the Members not to use LokBoxes on furnished homes. He stated that business was GOOD! Production for April was up 27% - \$8,200,000.00 compared to \$5,871,648.00 in 1966. Listings were up 45% over 1965.

There being no further business, the meeting was adjourned.

PRESIDENT



EXECUTIVE SECRETARY

OFFICIAL BALLOT

R.J. PHILIPZYK APPEAL FROM THE DECISION
OF THE DIRECTORS OF THE E.R.E.B. UNDER
SECTION 155 E.R.E.B. CONSTITUTION AND
BY-LAWS.

(MARK "X")

YES

NO

SHALL THE DECISION OF THE
DIRECTORS BE VARIED AND
THE APPEAL GRANTED? _____

May 3, 1971

⊕

Apr 22 - 10

1:22
1:32
12 min
Watering R.S.P. not in use
Watering d. pond after leaving 1:32 to end
watering had 8 min and 20 min of water
lasted for irrigation

1:35
1:40
2 min
1:41
1:58
17 min
7 min
1:41

Note

| | |
|---------|----------|
| Spilled | 1 |
| Blank | 1 |
| Yes | 4 |
| No | 51 |
| | <hr/> 57 |

TOTAL
Total Notes
at date

57

294

| | | <u>Left</u> | |
|--------------------------------|-----------------|-----------------|------------------|
| Boake a. | Wilkes | (30) | Don Spencer (60) |
| Winterburn a. | Greens | | |
| King " | Broadway | 32 | |
| Shale " | Blackburn | | |
| Whitford " | St. Clair | | |
| Kaplan " | J. Tuning | a | |
| Melton a | Prescott | N. Murray (alt) | |
| Kelmers " | T. Mafin | | |
| Walsh " | J. Ockie | (alt) | |
| Rolls | O. Kache | | |
| MacGregor | G. Medham | | |
| Sande | M. Cummings | | |
| H. Walker | G. McAlpin | | |
| W. Braden | Bupton | | |
| W. King | G. Grosser | | |
| J. Karpitsky | D. Boer | | |
| W. Karpitsky friend | T. Cristman | (US) | |
| Ains. (18) | R. Warren | | |
| Palmer | O. Wytzien | | |
| Rowe | T. Roman | | |
| Richard | G. Bezak | | |
| Sinclair (22) | K. Rattick | | |
| Makowich (V.S.) | G. Barnes (alt) | | |
| Downing (D.R.) | B. Graham (53) | | |
| Graef (D.R.) (25) | Kuryle | | |
| Orlean | D. Taylor | 5 | |
| Carl Cunningham (US) | McGowan | | |
| Crawshaw | Klein | (57) | |
| Krebs (28) | R. Rattick (51) | | |
| | W. Rattick (55) | | |

PROVINCE OF ALBERTA



SPECIAL REPORT NO. 2

of the

OMBUDSMAN

Dealing with the Complaint of
R. J. Philipzyk
and the
Ombudsman's Recommendation to
The Lieutenant-Governor in Council

Presented To The Legislature
Pursuant To Section 26 Of
The Ombudsman Act

EDMONTON, ALBERTA

1970

MR. SPEAKER:

I have the honour to submit my second SPECIAL REPORT to the Legislature, in addition to the Annual Reports already submitted.

This Report arises from a complaint of Mr. R. J. Philipzyk, concerning which I commenced an investigation in March, 1968.

Mr. Philipzyk's complaint was against his expulsion as a salesman from the Edmonton Real Estate Board Co-Operative Listing-Bureau Limited, in June, 1966, following the hearing of charges against him by the Ethics Committee, and a subsequent appeal.

My preliminary investigation indicated that the complaint should more properly have been made against that Department, which is now the Department of Industry and Tourism, and the Director of Co-Operative Activities, an officer of that Department.

The investigation has been the lengthiest carried out by my office. It has also been the most exhaustive

and time-consuming investigation with which I have been charged. It has involved obtaining expert professional advice from outside the Province. It has involved some actual investigation outside the Province. The file in this case is the most voluminous file in the office of the Ombudsman, and my submission to the Lieutenant-Governor in Council was 53 pages in length, in addition to sixteen heavily documented exhibits.

For reasons which I trust will be obvious later in this Report, I do not propose to discuss herein in detail, the opinion which I reached on the merits of the case, or any recommendations which I may have made.

Following numerous discussions with Departmental officials and others, and the study of records in various Government Departments, I submitted a report to the Minister of Industry and Tourism, the Honourable A. R. Patrick, on February 3, 1969. In that report I expressed opinions and made recommendations.

Before these opinions and recommendations could be resolved, the portfolio of Minister of Industry and Tourism was transferred to the Honourable R. S. Ratzlaff.

I therefore forwarded the new Minister on June 12, 1969, a copy of my last letter to the Honourable A. R. Patrick dated June 11, 1969, together with copies of my previous submission to the former Minister.

On August 20th, 1969, I wrote the Honourable Mr. Ratzlaff summarizing my opinions and recommendations and requested a decision. I had a full discussion of this entire case with the Honourable Mr. Ratzlaff on September 10th, 1969.

The Honourable Mr. Ratzlaff, for reasons which I fully understood, indicated that he would prefer that the case be referred to the Lieutenant-Governor in Council for a decision. Therefore, on October 10, 1969, I submitted the lengthy brief referred to earlier in this Report, to the Lieutenant-Governor in Council, together with the sixteen exhibits previously referred to.

In my brief, I outlined my investigation; I expressed my opinions; and I made certain recommendations as provided for in Section 20, Subsections (1) (2) and (3) of The Ombudsman Act.

Following some correspondence between myself and the Chairman of the Executive Council on matters of procedure, I received an opinion on behalf of the Lieutenant-Governor in Council, by letter of the Honourable, the Chairman of the Council, dated February 12, 1970. This opinion dealt with only one part of my submission.

Subsequent to a discussion with senior law officers of the Department of the Attorney General, I replied to the Honourable, the Chairman of the Executive Council, expressing my view that the solution which had been expressed to me, as the opinion of the Lieutenant-Governor in Council, was closed to the complainant, and indicated that my views remained unchanged from those expressed in my first submission to the Lieutenant-Governor in Council.

I was on March 23, 1970, in receipt of a letter dated March 20th, from the Premier of Alberta, the Honourable Harry E. Strom, Chairman of the Executive Council.

That letter advised me that the Executive Council is not prepared to take the steps I suggested.

✓ I was further advised that the Executive Council has decided to appoint a Commissioner under The Public Inquiries Act for the purpose of conducting hearings respecting the matters referred to by me in my submission. It is declared that he will be given the broadest possible terms of reference, in order that he can adequately deal with Mr. Philipzyk's claim for damages.

The Chairman of the Executive Council further informed me that steps would shortly be taken by the officials of the Department of the Attorney General to settle his terms of reference, and that I would hear from those officials shortly.

Such a procedure was not one of my recommendations.

I am not without personal experience of the problems which may arise before and during such a Commission concerning the presentation and publication

of matters which may be brought forth in evidence before such a Commission.

Having received this decision of the Lieutenant-Governor in Council, I would normally, as provided for by The Ombudsman Act, have now submitted the full report of my investigation, my opinions and my recommendations to the Speaker of the Legislative Assembly. I would thereafter have awaited the verdict of the Assembly.

However, I am very conscious of the fact that the tabling of my Report in the Legislature, would make it a public document, prior to the commencement of the Commission.

Alternatively, if I made the decision on my own to withhold my Report from the Legislature until the conclusion of the Commission, I have no way of knowing whether such a decision would meet with the approval of the Legislature, whose servant I am.

Therefore, after serious consideration, I would respectfully request that I be directed by the legislature as to which course I should follow, or indeed

what other action the Legislature may wish me to carry out within the provisions of The Ombudsman Act.

I need not stress the desirability of such direction prior to the termination of the present Session of the Legislature, and before the commencement of the Commission.

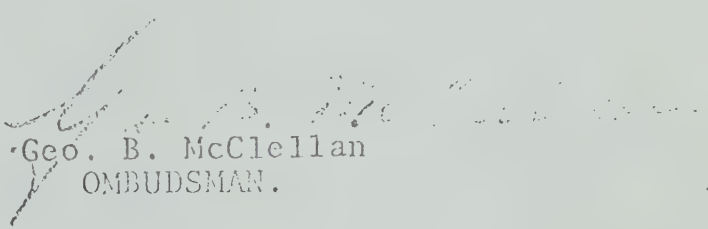
I do feel there is one matter which I am obliged to bring to the attention of the Legislature, on behalf of the complainant in this case, Mr. R. J. Philipzyk.

Mr. Philipzyk is in straitened financial circumstances. He has been a resident of the Province of British Columbia for some years since his expulsion, although he is now temporarily in Alberta. I am satisfied that he is financially unable to retain learned counsel to represent him during a Commission, the duration of which cannot be foreseen. It is highly unlikely that he can long sustain himself with lodgings and subsistence during proceedings, and the preliminaries

leading to the proceedings, which he may be required to attend.

It is my hope steps may be taken to provide Mr. Philipzyk with experienced counsel, and subsistence at Government expense, so long as he is required for the purposes of the Commission.

March 24, 1970.


Geo. B. McClellan
OMBUDSMAN.



Government of the Province of Alberta

DEPARTMENT OF INDUSTRY AND TOURISM

Co-operative Activities and Credit Union Branch

Mr. G. Kelly Haugen,
Executive Secretary,
Edmonton Real Estate Board
Co-operative Listing Bureau Limited,
10915 Princess Elizabeth Avenue,
EDMONTON, Alberta.

1702 CENTENNIAL BUILDING,
10015 - 103RD AVENUE,
TELEPHONE 429-5691,

Edmonton 15, Alberta.

December 5th, 1968,

Dear Mr. Haugen:

Re: By-Laws

One of your former members has taken a complaint to the Provincial Ombudsman in connection with his expulsion from the association.

The Ombudsman has drawn to our attention the following provisions in your Supplemental By-laws when the new by-laws were registered on April 8th, 1959.

By-law 6 (c)

"For obtaining execution by the applicant of the covenants, undertakings, and waiver of claims set out in Schedule 1 hereto, and such other forms as the Board may from time to time require; and..."

(provides for the waiver of claim in schedule 1).

By-law 8 (2)

"One voting salesman member may be elected for each FIFTY salesman members. PROVIDED HOWEVER, the ratio of voting salesman members to voting agent members be ONE (1) voting salesman member to EIGHT (8) voting Agent members."

(provides for one voting member to represent 50 salesmen members etc. and thus abrogates the basic concept provided in the Co-operative Act of one member one vote.)

Attachment 1

(c) "to abide by the findings of the Arbitration Committee and not to have recourse to any other tribunal;

(d) "to pay all costs of arbitration proceedings that may be directed by the Arbitration Committee to pay;

Mr. C. K. Haugen,

- 2 -

December 5th, 1968,

- (f) "that the directors may suspend or expel me from membership or make a monetary assessment against me or otherwise discipline me in accordance with the by-laws if they find that I have violated any provisions of the by-laws or the Code of Ethics;
- (h) "that I hereby waive, release and forever discharge the Edmonton Real Estate Board Co-operative Listing Bureau Limited, its directors, officers, members, servants and agents from all claims, suits, actions, causes of action and demands of whatsoever nature arising directly or indirectly in connection with my application for membership or my membership in the Board or any arbitration or discipline procedure that may be taken or purport to be taken pursuant to the by-laws of the Board that affect me or my business, or in connection with any other act done by or on behalf of or relating to the business of the Board."

The Ombudsman points out that the restrictions in the by-laws prevent any recourse to normal process of law. The normal rights of humanity are thus being interfered with, and provision for legal remedies must be left as a recourse where needed. We must therefore insist that you arrange to have these by-laws and schedules repealed or amended at the earliest opportunity, otherwise we will be required to call upon the Minister to exercise his discretion which may result in the cancellation of your charter.

There have also been some very definite doubts expressed as to whether the Edmonton Real Estate Board Co-operative Listing Bureau Limited should properly be registered under the provisions of The Co-operative Associations Act; I will be glad to discuss this with you, as it may be to the advantage of your industry to re-incorporate under other legislation.

Yours truly,

CO-OPERATIVE ACTIVITIES AND CREDIT UNION BRANCH

H. W. Webber
H. W. Webber,
Director.

HWW/ps

~~CONFIDENTIAL~~ / ~~CONFIDENTIAL~~

We are considering today, an appeal by Mr. Robert Philipzyk of Burton Real Estate with respect to a decision on an Ethics Hearing. It is the wish of the Ethics Committee and the Board of Directors that you the members understand clearly the facts of this case, and the reasons for the decision.

As you are now aware, Mr. Kellough laid a formal complaint charging him with unethical conduct in the with this Board against Mr. Philipzyk / Mr. Philipzyk a former employee of E.T. Kellough Realty Ltd. is alleged to have made derogatory statements about Mr. Kellough to two of Mr. Kellough's Sales people. The statements, in part were, that Mr. Kellough owed Mr. Philipzyk a substantial sum of money for commissions earned which Mr. Kellough refused to pay him and that Mr. Kellough was not a fit man to hold a Real Estate Agent's License.

The Ethics Hearing was held in the Real Estate Board Offices on December 17th, 1965. The Committee Members were: Mark Cummings, Ed. Sande, Bruce Graham and Al Scott, with myself as Chairman. I believe you will agree with me that we had an ~~independent~~ ^{independent} excellent committee, composed of men of practical experience in the Real Estate Business, and an excellent background in Ethics and Board Activities. [X-6]

Two of the Committee Members are past presidents of the Board, 4 are past-directors. All have served previously on Ethics Committee Hearings.

At the hearing, all participants agreed to abide by the decision of this committee. The participants agreed that they had no objections, and that they were prepared to abide by the decision of this committee. The hearing lasted for 40 minutes.

and all parties concerned were given ample time to present any and all evidence they wished. There is not sufficient time to go into all of the ~~more~~ details as to what took place at the Hearing, but I would like to make a few brief remarks in this regard. Firstly, I can assure you that this was a most difficult Hearing to control, as tempers became frayed and many remarks were made in anger by both sides, which would have been better left unsaid. It is true that there was some name calling, and this is very regrettable, but understandable under the circumstances. At no time during the Hearing did Mr. Walsh or Mr. Philipzyk challenge the remark made by Mr. Kellough or ask for an apology. It was not until some days later, when cooler heads prevailed, that Mr. Walsh saw fit to bring up this point, ^{HOWEVER MR. WALSH} ~~but~~ chose to overlook the provocation for the remark, as there can be no doubt that Mr. Kellough had been deeply hurt by Mr. Philipzyk's alleged remarks, questioning Mr. Kellough's integrity. As Chairman, I repeatedly called for order and asked that all remarks be addressed to the chair. Finally, towards the latter part of the Hearing, Mr. Philipzyk stood up and called Mr. Larsen, "a liar". This remark was extremely offensive to Mr. Larsen, and I suggest that you or I would have reacted similarly under similar circumstances. Because of Mr. Philipzyk's belligerent manner and provocative remarks, he was temporarily ejected from the Hearing, as there is no doubt, that otherwise a "free for all" would have resulted. It should be clearly understood that Mr. Philipzyk was the author of his own misfortune in that he provoked this situation. However, let us not be side-tracked by the by-play which took place at the Hearing. We are not here to discuss the Ethics Hearing as such, but we are here to discuss whether or not Mr. Philipzyk is guilty of the Ethics charges made against him.

The Committee listened to all the evidence and questioned the participants for over 2 hours and the Committee had all the information necessary to arrive at a fair and honest decision. The pertinent evidence maybe summed up as follows:

Firstly, Mr. Kellough provided the Committee with an exact copy of ledger sheets showing Mr. Philipzyk's earnings and drawings while employed with H.R. Kellough Realty Ltd.: When Mr. Philipzyk left the firm he had drawn some \$1300.00 more than he had earned, and had previously drawn from the old Trotter, McIntyre and Kellough firm an additional \$165.00 for which firm he earned nothing. Mr. Kellough welcomed the inspection of his books and records by the Board Auditors.

Secondly, Mr. Kellough stated that while Mr. Philipzyk's performance and conduct had been most unsatisfactory, he had kept Mr. Philipzyk on staff due only to the fact that Mr. Philipzyk's wife had been extremely ill and he was reluctant to discharge Mr. Philipzyk because of a Comprehensive Group Policy on staff members through the Aetna Life. Mr. Philipzyk drew \$2792.52 in benefits from the Aetna Life by reason of his employment with H.R. Kellough Realty.

Thirdly, Mr. Murray and Mr. Larsen, Branch Managers for H.R. Kellough Realty, both confirmed that Mr. Philipzyk had worked in their respective branches and both had found him to be a most difficult man to handle. They further testified that they were unable to get along with Mr. Philipzyk and had only kept him on staff at Mr. Kellough's insistence. One of the Branch Managers further testified that he had given Mr. Kellough an ultimatum that Mr. Philipzyk must leave his branch or he would resign as branch manager. Subsequently, Mr. Philipzyk was transferred to another branch of the company.

These three points of evidence clearly indicated to the Committee that Mr. Kellough had treated Mr. Philipzyk with forbearance and kindness during his term of employment. Therefore, if Mr. Philipzyk did in fact make the statements he is alleged to have made about Mr. Kellough, he certainly had no justification for doing so, and in this event the statements became reprehensible and must be considered as a breach of Ethics.

AT THE HEARING, CONFIRMED
 Mr. Olthius, one of the Kellough Salesmen, ~~who had signed a~~
~~statement, alleging that Mr. Philipzyk had made the derogatory statements against~~
 Mr. Kellough, ~~was present at the hearing and stated unequivocally that~~

* [2] *
 UNFORTUNATELY, Mrs. Magda Hansen was unable to be present as she was hospitalized in The General Hospital on the day of the Hearing. Mrs. Hansen has since provided us with A Statutory Declaration confirming this fact, and has further testified under oath before a Commissioner for Oaths as to the correctness of the alleged statements by Mr. Philipzyk.

Whoever in deciding who was lying, and it was the Committee's UNANIMOUS DECISION that Mr. Philipzyk was guilty of the Ethics charge laid against him by Mr. Kellough, and recommended to the Directors as follows:

- (1) Mr. Robert J. Philipzyk write a letter of full apology to Mr. H.R. Kellough for making derogatory statements against him.
- (2) The Directors reprimand Mr. Robert J. Philipzyk personally for his reprehensible actions.
- (3) The Directors issue a stern warning to Mr. Philipzyk that any further complaints will, if substantiated, be dealt with

(4) The Directors assess Mr. Robert J. Philipzyk a fine of \$100.00 payable not later than December 31st, 1965.

(5) And the Committee further recommends to the Directors that this man's membership in the Edmonton Real Estate Board be reviewed.

These recommendations were UNANIMOUSLY APPROVED by the Board of Directors.

Now, I would like to deal ~~with~~ with Mr. Walsh's arguments. You will note that Mr. Walsh has deliberately chosen not to deal with the facts concerning the Ethics charges, but has attempted to set up a smoke screen whereby he prefers to deal in technicalities with respect to how the Hearing was conducted, and avoid the real issue, which is, was Mr. Philipzyk guilty of the charges against him? He prefers to question the jurisdiction of this Board to deal with such matters. I can assure Mr. Walsh that this Board definitely does have jurisdiction, for the benefit and protection of all members.

On Page 3 of our Constitution, under " Objects of Association ", I refer you to three pertinent sections:

Section 0 reads: " To aid in the adjustment and settlement of any controversssies, dispute~~x~~ or misunderstandings, which may arise between members of the Board".

Section 1 reads: " To adopt a Code of Ethics and Standard of business conduct TO WHICH ALL MEMBERS SHALL BE REQUIRED TO CONFORM, which shall be equal to or higher than the Ethics and standards adopted by The Canadian Association of Real Estate Boards".

Section 2 reads: " to secure the adoption and enforcement of sound rules of business conduct and decline those engaged in the

Real Estate business."

These sections are three of the objects or purposes for which this organization was originally formed.

Schedule 2 of our Code of Ethics Article 2 says this and I Quote: "The Realtor² should so conduct his business as to avoid controversies with his fellow-Realtors; but in the event of a controversy between Realtors who are members of the same Real Estate Board, such controversy should be submitted for Arbitration in accordance with the regulations of ^{THE} ~~their~~ Board and not to a suit at law and the decision in such Arbitration should be accepted as final and binding".

Article 4 says: "When a Realtor is charged with unethical practice, he should voluntarily place all pertinent facts before the proper tribunal of the Real Estate Board of which he is a member, for investigation and judgement".

Article 5 says: "A Realtor should never publicly criticize a competitor, etc. ".

Dealing further with the "Code of Ethics", Section 188 on Page 49 says this, and again I quote: "All members shall conform to and observe the Code of Ethics and Standards of Business Conduct as set out in Schedule I" to these by-laws, which code is deemed to be part of these by-laws.

As far as the Constitution and the duties of the Ethics Committee are clearly spelled out and I quote you Section 175: "The Ethics Committee shall investigate disputes between members, or between members of the Board and non-members regarding matters of Ethics, business conduct and complaints relating to interpretations of by-laws, standards of business procedure, ethics, commission charges and fees AND ANY OTHER MATTER

I would also refer you to Section 179 on Page 48 dealing with complaints which reads as follows:

"Each member of the Board shall report in writing to the Secretary any breach of these by-laws or the Code of Ethics OR OTHER BUSINESS CONDUCT OF ANY MEMBER OF THE BOARD TENDING TO DISCREDIT THE BOARD OR THE REAL ESTATE BUSINESS".

And Section 184 (b) which reads: " The Directors shall carefully consider all reports of complaints and the answers thereto, if any, and may refer the matter to the Ethics Committee for an investigation and recommendations".

On Page 41, Section 148 provides as follows: " If the Ethics Committee finds that the conduct of any member has given reasonable ground for complaint, then the Ethics Committee shall recommend disciplinary measures to the Board, which measures may include that the member in question be reprimanded, be suspended, be directed to take corrective action, be ordered to pay a monetary assessment to the Board, be expelled, or be otherwise disciplined.

This Ladies and Gentlemen is precisely the procedure that was followed in the case in question.

I would remind you all, that those who act on the many committees of the Board, or as Directors of the Board, do so voluntarily and give unselfishly of their time, without remuneration, in order that we, as members of this organization, may govern ourselves on a high standard professional ethics, without government interference. We can, should, and do govern our own affairs most efficiently, with no desire to persecute anyone.

There is no doubt whatsoever in the minds of the committee members that Mr. Philipzyk is guilty of the ethics charges against him. Had Mr. Philipzyk attended the hearing in a spirit of co-operation, and offered his apologies to Mr. Kellough, I feel certain that this whole matter could have been resolved very quickly with a minimum of hard feelings. Unfortunately for all concerned, Mr. Philipzyk and Mr. Walsh had no desire to settle the dispute, or to accept the decision of this duly appointed committee. Mr. Walsh made this point very clear in a letter he wrote to our President on Dec. 20th last (this was 3 days after the hearing and prior to Mr. Philipzyk receiving the unanimous decision of the committee); ^{IN THIS LETTER} ~~IN~~ which Mr. Walsh stated, and I quote: "Even if he (Philipzyk) receives as much as a reprimand, I must appeal to the Directors and if necessary to the General Membership".

Every effort has been made to settle this matter amicably with Mr. Walsh and Mr. Philipzyk, but they insist on washing dirty linen in public.

I feel certain that you the membership would want me to speak frankly with you, as there is an aspect to this case which many of you will not be aware of, and it is this. Mr. Walsh would have ~~you~~ ^{you} believe that he, and or Burton Real Estate, are not in anyway involved in this dispute, ^{fact} whereas this is not ^{entirely} correct. ^{AS AN AGENT MUST BE RESPONSIBLE FOR} Mr. Walsh has made every effort to intimidate this Board and it's Directors. Mr. Walsh has made numerous abusive telephone calls to The President, a number of the Directors, and members of the Bureau Office Staff. ^{DO NOT LET HIM THINK HE CAN} he has threatened to take the microphone by force if necessary at a General Meeting; he has threatened to hold press conferences with the various news media; both he and Mr. Philipzyk have contacted the Office of the Commissioner of Real Estate and of Mr. Weber, the Supervisor of the Co-Operative Activities Branch, in an attempt to intimidate the Directors, and the membership. I feel certain that all this will not be forgotten.

by these tactics. Mr. Walsh & Mr. Philipzyk have not acted in good faith with you the members, or your elected representatives. Mr. Walsh is well aware of the fact that at the time Mr. Philipzyk came to work for Burton Real Estate his application for membership in the Board was turned down by The Membership Committee. Mr. Walsh then made a personal appeal to the Directors on Mr. Philipzyks behalf, and the Direstors agreed to this request on the express understanding that Mr. Walsh would closely supervise Mr. Philipzyk's activities. I know I speak for the Directors and many of the members when I say that the attitude of these gentleman towards the Board, leaves much to be desired.

In closing, I would again remind you that 5 impartial members of this Board heard all the evidence as submitted by the participants at the Hearing and decided unanimously that Mr. Philipzyk was guilty of the charges against him, and this decision was unanimously approved by the Directors. This is my report ladies and gentleman, and I sincerely trust that you WILL SUPPORT your Ethics Committee and show your confidence in your Directors by disallowing this Appeal.

J. P. Walsh - Agent - Burton Real Est
8631 - 109 Street, Edmonton, Alta.

Memorandum to -

July 2nd, 1970

Mr. W. A. McGillivray, Q.C.,
Counsel to McLaurin Commission Inquiry,
Room 17, Jubilee Auditorium,
Edmonton, Alberta.

Sir:

Having no avenue of rebuttal by way of summation, except through you, I bring the following matters to your attention:

Testimony of 4 salesmen at end of ^{TUESDAY} ~~Friday~~'s hearing as to satisfaction with operation of Co-operative, ~~is salesmen~~.

Mr. Al Scott, Residential Sales Manager for Weber Bros. Realty Ltd. with voting power of Mr. Jack Weber, as alternate, is direct representative of management.

Mr. Phil Buttar, Property Manager for Weber Bros. Realty Ltd. is representative of management.

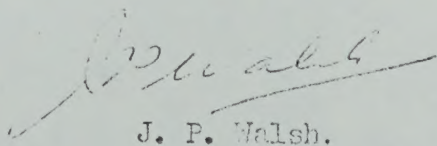
Mr. Graham Downey, Sales Mgr. for Real Estate Dept. of Canada-Permanent Trust Co. is representative of management.

Mr. Alex Fedynak of Buxton Real Estate dealt with me about a month ago regarding the transaction by one of his men on our listing and in a capacity which suggested that he is a representative of management.

In any company there is only one agent and the rest are salesmen. To my knowledge the Co-operative has never prohibited the representatives of management from becoming salesmen directors, as long as they had a salesman's license.

* * * * *

Re operation of Co-operative 1952 to 1959. I talked with Mr. McFhee, Superintendent of Insurance, and he states that he handled both Ethics and Legal matters under the Real Estate Agents' Licensing Act during the above period, until the new by-laws came into effect. In my view this avenue for enforcing discipline should be fully explored.


J. P. Walsh.

DATE DUE

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Alberta. Commission to Inquire into
the Submission of the Ombudsman
Transcript of the evidence and pro-
ceedings

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v.9

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